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THE

SOLICITORS' JOURNAL

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CURRENT TOPICS

Closed or Open Door?

THE Editor of the *Law Society's Gazette* in the August issue defends the exclusion of the Press from annual meetings of the Society. Much of what he says is unhappily true, but if we accepted the whole of his argument the Press would never be admitted to any meetings and would have to rely on public relations officers, handouts and Press conferences. If the proceedings of a body are genuinely of public interest and importance, newspaper reporters should be present in person and should not have to rely on hearsay. If reporters are denied access to meetings of this kind, sooner or later they will find other sources of information and the public will support them. It is irrelevant that such enterprise in our case would be ill-rewarded, because our annual meetings are almost always very dull. The only question is whether they are merely " domestic meetings of a private organisation " or meetings of a great profession with public responsibilities, governed by statute, bearing a vital part of the responsibility for the administration of justice, organising and running the legal aid scheme, handling a large amount of money both public and private, depending to some extent on the taxpayer for its income, pioneering law reform and advising and influencing the Government and public bodies of all kinds. We are certain that our annual meetings ought to be open to the Press and we realise that we must take the risk that some speakers will say foolish things and that some newspapermen will be inaccurate. We should be strong enough to stand up to this. There is too much secrecy and very little is justified. Frequently only the screens attract the curious.

Damage by Flood

IN our view the Government are right to reject the idea of a National Disaster Fund to deal with distress caused by flooding and other disasters. Instead, insurance companies and Lloyd's have assured the Government that they will in future be prepared, on request, to provide cover against flood on modest terms for the contents of all dwellings, irrespective of their situation, so long as they are permanently occupied. They will also make flood cover more generally available than hitherto in the case of buildings or permanently occupied dwellings and the buildings and contents of premises of small traders where business is carried on throughout the year. Insurance companies will publicise these arrangements and solicitors in areas afflicted or threatened by floods should draw the attention of their clients to them.

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Admission's Not for Aliens

A BOOK review which we published a fortnight ago drew attention to the fact that The Law Society's practice not to permit the admission of aliens is based on a construction of s. 3 of the Act of Settlement passed at the turn of the seventeenth century. A correspondent this week queries the correctness of this practice. We agree that it is far-fetched to prohibit the admission of aliens on the ground (under s. 3 of the 1700 Act) that a solicitor holds a civil office or place of trust from the Crown on account of his being an officer of the Supreme Court. If it is the wish of the profession to prevent aliens from joining, this should be implemented directly and clearly by wording to that effect in a Solicitors Act, and not by the indirect means of calling in aid a statute passed long before The Law Society came into existence. If this country does enter the Common Market, one aim of which is to abolish any discrimination based on nationality between workers as regards employment, remuneration and other working conditions, it may well be necessary to repeal s. 3 of the Act of Settlement. The profession will then be forced to make a decision about the admission of aliens. We do not suppose that anyone will suggest exempting from examination here any foreign lawyer wishing to practise as a solicitor in this country. For ourselves, however, we can see no objection to the admission and practising, irrespective of nationality, of any person who has successfully cleared the hurdles of completing a satisfactory period of service under articles and of reaching the high standard required by The Law Society's examiners.

Mea Culpa

SOME insurance companies have been indecently hasty in advising their policy holders not to follow the example of Sir PATRICK DEVLIN, who after his recent collision wrote a statement in a policeman's notebook saying that the other motorist was in no way to blame. We realise that some motorists might admit liability when they are not in the wrong at all but we do not believe that an admission in such circumstances would be fatal to their case. We all know the potential plaintiff who thinks that his strongest card is the statement of the other party admitting blame or even merely expressing regret; he is frequently annoyed when he is told that he must have some regard to the facts. We are happily far away from the Law Reports as we write this on August Bank Holiday, and so we cannot look up and see whether any insurance company has successfully repudiated liability solely on the ground that their insured has made an admission of liability. We wonder whether such a clause is not contrary to public policy. In the meantime we all hope that in similar circumstances we would have conducted ourselves exactly as did Sir Partick.

"Without Reasonable Consideration"

SECTION 3 (1) of the Road Traffic Act, 1960 (formerly s. 12 (1) of the Road Traffic Act, 1930), provides that a person commits an offence if he "drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road." It is clear that this section contemplates two separate offences: (1) driving without due care and attention, and (2) driving without reasonable consideration for other persons using the road, and a summons charging a person with both offences in the alternative is bad for duplicity: *R.* v. *Surrey Justices; ex parte Witherick* [1932] 1 K.B. 450. However, what test is to be applied in deciding whether a person should be charged with one offence rather than the other? It seems that the criterion is danger to the guilty driver and, in the course of his judgment in *R.* v. *Surrey Justices; ex parte Witherick, supra*, Avory, J., said that "a man may be driving with due care and attention, so far as his own safety is concerned, and yet be driving without reasonable consideration for other persons." Thus failure to dip headlights has often been held to constitute driving without reasonable consideration, as has swerving into a bus to avoid oncoming traffic (*Hutton* v. *Casey* (1952), 116 J.P. News. 223). Similarly, in a recent case at Marlborough Street Magistrates' Court a person who reversed into a full-dress parade of the Household Cavalry was convicted of this offence, although we must confess that we would not undertake this manœuvre without some concern for our own safety.

Liability Without *Scienter*

"QUITE apart from the liability imposed upon the owner of animals or the person having control of them by reason of knowledge of their propensities, there is the ordinary duty of a person to take care . . . that his animal . . . is not put to such a use as is likely to injure his neighbour—the ordinary duty to take care in the cases put upon negligence" (per Lord Atkin in *Fardon* v. *Harcourt-Rivington* (1932), 146 L.T. 391). Liability in negligence in respect of harm caused by animals was established in *Pitcher* v. *Martin* [1937] 3 All E.R. 918, and *Aldham* v. *United Dairies (London), Ltd.* [1940] 1 K.B. 507, and the point arose recently in the Lambeth County Court in *Thorpe* v. *Evans and Others* (1961), *The Guardian*, 13th July. The plaintiff claimed damages against six police officers for injuries said to have been caused in an incident involving a police dog. The animal bit and clawed the plaintiff while he was on the ground and, although there was no evidence of *scienter*, His Honour Judge RUTTLE held that the plaintiff was entitled to damages as the dog-handler, whose primary duty was to look after the dog and to use it carefully, had failed to exercise proper control over it.

Unlawful Interference

NUISANCE has been defined as "unlawful interference with a person's use or enjoyment of land, or of some right over, or in connection with it": Winfield on Tort, 6th ed., p. 536. Thus, the excessive ringing of a bell over a chapel (*Soltan* v. *De Held* (1851), 21 L.J. Ch. 153), the crying of neglected children (*Moy* v. *Stoop* (1909), 25 T.L.R. 262) and noise and vibration (*Sturges* v. *Bridgman* (1879), 11 Ch. D. 852) may constitute actionable nuisances, but a novel interference was alleged in a recent case in the Ilkeston County Court. The plaintiff alleged that the defendant company had installed special electrically driven machines which caused high-frequency interference and that while these machines were operating he was unable to obtain a satisfactory picture on his television screen. The machines were used twenty-four hours a day, five days a week, and His Honour Judge BRAUND agreed that the case should be adjourned for six months on condition, *inter alia*, that the company undertook the complete screening of the machines. It seems that the plaintiff succeeded in showing sufficient interference, in the legal sense, and damage to support an action and it now remains to be seen whether others in other parts of the country, who are similarly afflicted, will follow his lead.

THE CROWN AS PROTECTOR OF INFANTS

THE powers of the High Court in exercising the Crown prerogative as *parens patriae*, and the relationship of those powers to the statutory functions of local authorities, have been considered by the courts on a number of occasions recently, the last being the case *Re Baker* (*Infants*), p. 282, *ante*, and *sub nom. Re B* (*Infants*) (C.A.), p. 682, *post*. Although the courts have re-stated their powers in exercise of the prerogative jurisdiction, they have shown a marked disinclination to use those powers to interfere with either the natural rights of parents, or the statutory discretion, under certain Acts, of local authorities. It now seems clear that only the most extreme circumstances would lead to the intervention of the courts in those cases.

The prerogative powers in respect of infants are exercised in wardship proceedings, which by the Supreme Court of Judicature (Consolidation) Act, 1925, are assigned to the Chancery Division (s. 56 (1) (*b*)). Formerly an infant became a ward if any proceeding respecting his person or property was started in the Chancery Division, but the Law Reform (Miscellaneous Provisions) Act, 1949, s. 9, now provides that an infant shall not be a ward of court except by virtue of an order of court; except that, when application is made for such an order, the infant automatically becomes a ward on the making of the application, for the period laid down by the Rules of the Supreme Court. Wardship cease sunless a positive order is made within that period. (For relevant Chancery practice, see p. 658, *ante*.)

Ineffective school attendance orders

In the recent case of *Re Baker* (*Infants*), the Norfolk County Council sought to use this procedure in respect of three children whose parents had consistently refused to send them to school, in spite of the making of a number of school attendance orders, followed by prosecutions, under the Education Act, 1944. The local authority said that the parents were not causing the children to receive the education required under the statute, that such education was in the interests of children generally, and that the court ought to intervene by making the children wards of court and issuing directions as to their education. Both the court of first instance and the Court of Appeal accepted that the children were not receiving full-time education as required by the Act, but held that the prerogative of the Crown had been limited by the Education Act, 1944. In the Divisional Court ([1961] 2 W.L.R. 626; p. 282, *ante*), Pennycuick, J., said that, since the effect of the decision asked for would be to enforce the school attendance orders made by the council, and since by virtue of the Education Act, 1944, the education of the children was not a matter within the court's discretion, the court could not give any directions.

> "In my judgment, the Act, by placing outside the jurisdiction of the court the decision whether or not a child shall receive education in accordance with a school attendance order, has equally put it outside the proper scope of the jurisdiction of the court to enforce such an order. The court, in the exercise of its inherent jurisdiction, can only properly give a direction after it has decided that the act directed to be done is for the benefit of the infant concerned: see, in this connection, the principle laid down by s. 1 of the Guardianship of Infants Act, 1925.
>
> It seems to me necessarily to follow that the court cannot properly give a direction where the decision whether the act is to be done rests with some other authority, so that the court is not itself able to decide whether or not the act is for the benefit of the infant" (per Pennycuick, J., at pp. 629-30).

Limit of court's jurisdiction

The learned judge referred to the decision of the Court of Appeal in *Re M* (*An Infant*) [1961] 2 W.L.R. 350; p. 153, *ante*, in which it was held that the prerogative powers in respect of infants would not be exercised to control duties or discretions clearly vested in the local authority under the Children Act, 1948, although the court would be entitled to control the local authority's activities if it were shown to be acting in some way in breach or in disregard of its statutory duties. This case, he said, was directly in point, and showed that the Education Act, 1944, had by necessary implication restricted the inherent jurisdiction of the Sovereign, at least to the extent that the court could not give any direction at variance with the Act, and could not therefore prevent the making of school attendance orders. For these reasons the enforcement of the particular school attendance orders in question (which was what the applicants were in reality seeking) was outside the jurisdiction. Reference was also made to s. 1 of the Guardianship of Infants Act, 1925, which requires that in any proceeding as to, *inter alia*, the custody or upbringing of an infant the court shall "regard the welfare of the infant as the first and paramount consideration." This, said the court in *Re Baker*, meant that the court is precluded from giving a direction where the decision whether the act is to be done rests with some other authority, so that the court is not able itself to decide whether the act is required for the benefit of the infant.

In the Court of Appeal, Ormerod, L.J., stated that an anomaly might arise if the court were asked to give directions relating to the children which were inconsistent with the local authority's attendance orders. The principles laid down by the Master of the Rolls in *Re M*, *supra*, applied in this case and the Crown prerogative had been limited by the statute in that it could no longer be exercised in relation to the particular matters dealt with by the Education Act. There was no jurisdiction in the Crown to deal with the matters which were vested by statute in the education authority.

The interpretation of the limits of jurisdiction in this case seems open to question. The Court of Appeal in *Re M* laid down that the prerogative powers of the Crown would not be used to interfere with discretions given to local authorities provided these were properly exercised. But it was quite clearly stated by the Master of the Rolls that the wardship powers were not ousted by the statute (at p. 360):—

> "The prerogative right of the Queen, as *parens patriae* in relation to infants within the realm, is not for all purposes ousted or abrogated as the result of the exercise of the duties and powers by local authorities under the Children Act, 1948: in particular the power to make an infant a ward of court by invocation of s. 9 [of the Law Reform (Miscellaneous Provisions) Act, 1949] is unaffected."

There was no suggestion in *Re Baker* that the local authority in any way acted improperly in proceeding against the parents of the children, and the court was not being asked to consider the exercise of a discretion under the Education Act, 1944. The real question was whether the court, in the exercise of the prerogative jurisdiction, would interfere with the parents' rights of control over the children, having regard to the fact that these rights were not being exercised in the best interests of the children. This is surely a question relating to the upbringing of an infant and the welfare of the infant, in the sense of s. 1 of the Guardianship of Infants Act, 1925, and it is difficult to see how that section can be taken as excluding the

court's jurisdiction. It is well established that the court can intervene in the exercise of the powers of *parens patriæ* where parents are exercising control over a child in a manner which must be detrimental to the child's interests, although such intervention is not lightly to be undertaken. In the Court of Appeal decision in *Re Agar-Ellis; Agar-Ellis* v. *Lascelles* (1883), 52 L.J. Ch. 10, an application to the court to override the decision of a father in respect of a child who was a ward of court was considered. The court in fact rejected the application on the ground that the father had the right of control over the person, education and conduct of the child until twenty-one; and although the court had jurisdiction to consider whether the father had acted in such a way as to justify the court in interfering with his paternal authority, in the circumstances there were no adequate grounds for so doing. The position as to jurisdiction was stated as follows in the judgment of Brett, M.R.:—

> "If the father by his immoral conduct has become a person unfit in the eyes of everyone to perform his duties to his child and to claim the rights of a father towards his child, then, if the child be a ward of court, the court will interfere . . . so also if the father has allowed certain things to be done and then by capricious change of purpose, has ordered the contrary, to the injury of the child, the court will not allow that capricious change of mind to take effect, though if the thing ordered by the father to be done had been done originally, the court could not have interfered. I am not prepared to say that the patience of the court in the case of its ward may not be exhausted in certain other cases . . .; but such interference will be exercised only in the utmost need, and in most extreme cases."

Conclusion

Where an application is made for a child to become a ward of court, under the Law Reform (Miscellaneous Provisions) Act, 1949, s. 9, the result as has been seen is that the child immediately becomes a ward of court. The children in *Re Baker* were therefore subject to wardship, and the real question for consideration by the court was whether it would interfere with the discretion, not of the local authority, but of the parent in the control of his child, by continuing the wardship and directing that the children should be sent to school. Had the parents acted contrary to the interests of the children to such an extent that the court would be justified in interfering with parental control? It has surely to be borne in mind that the requirements of the Education Act, 1944, as to the full-time education of children are not merely arbitrary provisions, but are imposed for the benefit of children. The welfare of the normal child requires that it should be given education, and any parent who refuses to give this benefit to his child is by any standard guilty of a grave breach of parental duty. In *Re M*, the court said that it would be prepared to interfere with the improper exercise of its discretion in relation to children by a local authority. Since there is clearly jurisdiction in a case like *Re Baker*, ought not the court equally to intervene and control the exercise of the parental discretion where this is necessary in the interests of the child? The Guardianship of Infants Act, 1925, expressly requires that the welfare of the child shall be borne in mind, and this may well mean that the court can intervene even where it would not have done so at an earlier date, in the light of the principles set out in *Re Agar-Ellis*. The fact that the actions of the court would indirectly result in enforcing orders of a local authority which it could not control is surely beside the point.

G. A. H.

ASPECTS OF CHANCERY PRACTICE AND PROCEDURE—VI

INHERITANCE (FAMILY PROVISION) ACT APPLICATIONS

It is all-important to remember that there is a time limit for applications for maintenance under the above-named Act. Unless it is possible to get an extension of time under s. 2 (1) (*a*), an order under the Act "shall not be made save on an application made within six months from the date on which representation in regard to the deceased's estate is first taken out." In *Re Greaves* [1954] 1 W.L.R. 604, Roxburgh, J., held that the mistake of the plaintiff's solicitors was not a ground for extending the time. In that case there had been some negotiations with a view to settling the claim. So, if the time is running out, and irrespective of whether there is a possibility of an agreed settlement, it is obviously prudent—indeed, essential—to institute the proceedings within the six months' period. If a settlement is arrived at, it is quite easy to get an order staying all further proceedings in the action, at small cost.

The institution of proceedings entails the issue of an originating summons *inter partes* intituled in the matter of the estate in respect of which the application is made and in the matter of the Act (Ord. 54F).

Intituling applications

The original Act was passed in 1938 but amended by the Intestates' Estates Act, 1952. The Act as amended is set out in the Fourth Schedule to the Intestates' Estates Act, 1952. Section 6 (1) of the amended Act says: "This Act may be cited as the Inheritance (Family Provision) Act, 1938." Strictly, therefore, whether the application is made under the original Act or under the amended Act it is only necessary to intitule "the Inheritance (Family Provision) Act, 1938." But in *Re Riglar* [1956] 1 W.L.R. 1414, Upjohn, J., indicated that it was desirable in applications under the amended Act to add "(as amended)" after the reference to the Act in the title to distinguish those applications from applications under the original Act.

The persons entitled to make the application are "dependants" as defined by the Act. The "dependant" (as so defined) may not in fact have been depending on the deceased to provide maintenance (in the sense of actually getting maintenance from the deceased) just before his or her death. One must therefore be careful in the context of these applications to remember that a "dependant" is (according to s. 1 (1)) a wife or husband; a daughter who has not been married, or who is, by reason of some mental or physical disability, incapable of maintaining herself; an infant son; or a son who is, by reason of some mental or physical disability, incapable of maintaining himself.

Separate proceedings

If there are two or more dependants, they can of course bring separate proceedings, though in that case the court would doubtless direct that all the applications should be dealt with at (substantially) the same time. Quite often

dependants, e.g., a widow and child, or two children, apply as co-plaintiffs in the same proceedings. Where there are co-plaintiffs there must inevitably be some conflict of interest. Since, as a general rule, co-plaintiffs can only be represented by the same counsel, the practice is (where there is a sufficient conflict of interest) to have an order which recites that it is desirable that there should be separate representation and transferring one of the plaintiffs from that side to the other side—in other words, striking that person out as a plaintiff and adding him or her as a defendant.

In the first place the only parties to the originating summons are the plaintiff(s) and the executor(s) or other personal representative(s), unless the plaintiff is the sole personal representative, in which case a person having a substantial interest in opposing should be joined as the defendant.

Within seven days after the time limited for appearance application should be made in chambers for an appointment on the originating summons for the purpose of taking directions. The question of adding other parties is then considered. If there are a number of persons with the same or a similar interest it is usual to add one of their number and authorise him "to defend on behalf of or for the benefit of all persons so interested." They will then be bound by any order made in the proceedings. It should, however, be observed that the representation order follows the wording of the rule and authorises the representative defendant "to defend, etc.," but expressly excludes any authority to bind the other parties by a consent order. If, therefore, there is a consent order compromising the claim, it will not bind absent parties. If they are to be bound (and in this connection it is assumed that parties are *sui juris*), they will either have to be added as parties and consent to the order, or the personal representatives will for their own protection have to get them (the absent persons) to come to a binding agreement outside the proceedings. If any party is not *sui juris*, the court's approval of the compromise would have to be obtained in order to bind that person.

The commonest provision for maintenance in a successful application is the award of an annuity during the relevant period. In the case of a wife or husband periodical payments must end on her or his re-marriage. If the estate is small there may be a capital award. The court has power to make consequential provisions for the purpose of giving effect to its order. Where, for instance, capital was made available for infant plaintiffs, the court provided for it to be held by trustees on appropriate trusts.

Varying an order

Section 4 of the Act gives the court power, within limits, to vary the order. Though there has been no judicial construction of that section, it is generally assumed that the provision made out of the estate cannot be increased on an application to vary, though it may be scaled down.

In most cases the court is able to make the award on the hearing of the application in court. Sometimes, however, it cannot be shown at that stage that the "dependant" has any particular need for maintenance. In the case of a very young child it may not be possible to make a satisfactory award until a later date. In *Re Franks* [1948] Ch. 62, Wynn Parry, J., postponed the actual determination of the amount of the award. The order declared "that some provision ought to be made out of the estate . . . for the maintenance of the plaintiff but that it is impracticable at present to assess the amount of such provision," and stood over the application for a period of just over two years.

In *Re Simon* [1950] Ch. 38, Vaisey, J., said: "I think it must be said that where the court has to deal with a matter under this Act, the estate should be there intact. Of course, duties and debts, and that sort of thing, can be paid—there is no question about that—but no distribution to beneficiaries should be made while there is any possibility or expectation than an application under this Act will be made." If the application comes before the court and there is an adjournment, doubtless the court could, if necessary, be asked to give some guidance on the matter of an interim distribution. In the amended Act, s. 2 (1A) expressly states that the provisions of the Act shall not make the personal representatives liable for having distributed any part of the estate after the expiration of the six months' period on the ground that they ought to have taken into account the possibility that the court might extend the period. The subsection is, however, stated to be "without prejudice to any power to recover any part of the estate so distributed arising by virtue of the making of an order under this Act."

If the plaintiff wants an extension of time for making the application under s. 2 (1B) of the amended Act, the proper practice is to ask for that relief as a separate item by the originating summons, following it with a request for maintenance also as a separate item. The question of the extension of time should usually be adjourned to be dealt with first. Sometimes—as, for instance, where there is a posthumous child who could not possibly have made the application within the six months' period—it may be possible to proceed on the assumption that an extension of time will certainly be granted.

In applications under the Act it is not uncommon to have oral evidence at the hearing. In the first place, however, parties put in affidavits. Here again the relevant information is embodied in statements exhibited to the affidavits. The original statements are retained in chambers.

Tomlin order

As indicated above, parties sometimes come to terms and no award is required from the court. It is usual in that event to stay proceedings. The parties may have agreed terms which are to be embodied in a Tomlin order. In a Tomlin order the terms agreed between the parties are set out in a schedule to the order and the proceedings are stayed "except so far as may be necessary for giving effect to the said terms, for which purpose the parties are to be at liberty to apply." The terms do not form part of an actual order of the court, but if, for instance, a party did not make a payment in accordance with the agreed terms, it would be possible for a summons to be taken out in the proceedings for an order that he should pay the money. If he did not then pay the money in accordance with that order, execution could be levied in the usual way.

Where a claim succeeds, or where the court regards the claim as a proper one to have been made (as, e.g., where there was a construction summons as well as the Inheritance (Family Provision) Act application and it depended on the decision on the construction point as to whether the other application should be pursued), it is usual to provide that the personal representatives shall get "trustee" costs and the other parties costs on the common fund basis out of the estate. In these cases the court is, as it were, making the deceased's will and it may be said that he (or his estate) should pay. But in the past it has happened that on occasion a judge has taken the view that the litigation was hostile and has given the plaintiff party and party costs only.

(*Concluded*) H.

Country Practice

LAW ON A HOT SUMMER'S DAY

THE prospect of warmth and sunshine, on a foggy winter's day, is indeed enticing; but even in England, and certainly during working hours, there can be too much of a good thing. Anyhow, I associate heat waves with unpleasant events, such as outbreaks of war and measles, absence of typists, and a concentration of unwelcome clients. The welcome client, during a spell of fine weather, is likely to be harvesting or holidaying, and this, like the effects of drought on a ditch, makes the unpleasant bacilli more obvious though not necessarily more numerous.

Given a heat wave, I can have a go at clearing up some troublesome files left over from last winter's crop of probates. The telephone remains quiet for quite long periods, and the world outside the office seems to slow down. Look through the window, and you will see how the baking sun has a decelerating effect on the world at large. If it is market day, the cronies who would normally be pottering about and declaiming on agricultural policy have withdrawn into the nearest pub for a couple of slow ones. A shaggy dog lies down for a quiet pant. Joe, the retired postman, who normally keeps the world in view while leaning against his door post, has brought a wooden chair on to the pavement and just sits and watches. The farmers' wives, slanting their way across the tar-streaked main road, stop and talk where they meet rather than dodge to one side or the other to discuss the latest local news flash. This, in turn, slows down the wheeled traffic churning its way through the sleepy, overheated town.

Then, of course, someone like Charlie Budsman is announced and I have to put my file aside for some other day.

Charlie is that pleasant, friendly sort of fellow who can reduce any solicitor to a state of professional despair in ten minutes. He is as prone to legal troubles as some others are to accidents. He is accident prone, too; as evidenced by the time when he came to consult me about the horrible second-hand car which he had recently purchased (with, of course, a cast iron agreement freeing the vendor from all liability). He made his point, even before entering the office, by colliding with a new car parked just outside the main entrance. The brakes had failed, of course; but I still think it was a pity to fetch my senior partner's car such a resounding clout.

On the present occasion, Charlie arrived silently, having been obliged to sell his car. For years he has been obliged to sell things, generally stocks and shares bequeathed to him by his deceased father, a shrewd newsagent and general store keeper. Young Charlie, unfortunately, had ideas above his stationery. First he started a village cinema. The telly killed that off. Then, having acquired some land, and having read some books, he made a new start with pigs and poultry. Unfortunately neither the pigs nor the poultry had read the same books as Charlie, and died in heaps. Finally, he concentrated grimly on the general store and football pools; at the latter occupation he was quite successful, in many seasons winning back almost all his stake money.

Charlie sits down, and I can tell by his expression that, as usual, he has come for advice far too late, the pass having already been sold down the river. "It's the income tax," he says. "They've taken my cash register again, as well as my portable printing machine."

I sigh sympathetically, and inquire if the shop is still losing money. He admits that this is so, but adds that things would be better if only people would pay him what they owe. Without hope, I ask if he can produce details of the accounts owing to him. He cannot; he is, and always will be, in a complete muddle. That was why he acquired a wonderful, secondhand, thirty-year-old cash register, roughly the same size and shape as a barrel organ, and operated rather similarly. The turn of a handle brought forth a series of clicks, a ping, and then a pale pink slip of paper bearing the words, in purple ink, Charles Budsman for Courtesy and Service, and a jumble of dates and figures. And now it was gone—again.

"Mr. Budsman," I say severely, "didn't I explain last time that you would be far better off by ceasing to trade altogether?"

He nods glumly.

"And didn't I carefully explain that if you don't fill in your income tax returns, the Inspector of Taxes will just go on increasing your assessments year after year? And didn't you promise me faithfully that you would go and see your accountants about it?"

Excessive heat brings on this hectoring style of address, even though I am trying to speak to him in a kindly manner.

"Mr. Budsman, your accountants could have claimed back all the tax which, quite wrongly, you have had to pay since your father died. You haven't made any attempt to get your tax liability adjusted. You must tell me why you didn't do as you promised, and go and see your accountants."

Still no reply. I decide to keep silent, and let the silly blighter sweat it out. His answer, if he could only put it into words, is that he does not really believe in income tax, that income tax is something like rheumatism, for which there is no certain cure, and that for Charlie to see the inspector, or his father's accountants, or indeed anyone other than the family solicitor, is a public confession that he is a complete ninny.

Relentlessly I wait. Charlie knows that he has to say something, but nothing comes. I desist from looking at him, and watch the heat shimmering over patches of distant landscape. Nearer at hand, the streaks of tar on the roadway are hotter and blacker than ever. A small child in a push chair, unobserved by a hot and tired mother, jettisons a half-consumed ice cream cornet in the general direction of the somnolent dog lying at the pavement's edge. The dog realises that it must pull itself together, and rises ponderously to the occasion.

Charles Budsman stirs, too, and is about to speak at last. "Mr. Highfield," he says, bloody but unbowed, "some of my outdoor tomatoes are ripe already. How are yours doing?"

I give up.

HIGHFIELD.

LAW SOCIETY LUNCHEON

The president of The Law Society, Mr. Arthur Driver, gave a luncheon party on 2nd August at 60 Carey Street, London, W.C.2. The guests were Mr. Justice Henry, Sir George Coldstream, Sir Leslie Peppiatt, Mr. Henry Lawson and Sir Thomas Lund.

CONVEYANCING POT-POURRI

BODIES of persons established for charitable purposes only or trustees of a trust so established may claim the relief afforded by s. 34 (6) of the Finance Act, 1958, from the higher rate of stamp duty. On a purchase of land for a sum exceeding £6,000, instead of stamp duty at the rate of 2 per cent., the instrument of purchase is liable to duty at the reduced rate of 1 per cent.

The deed of assurance needs to be lodged for adjudication and stamped within the usual thirty days after execution. If the property has a registered title, this may cause complications. The purchasers will need to lodge the transfer at H.M. Land Registry immediately after completion to obtain the priority of their search, but time will be taken in adjudicating and stamping the document before lodging it at the registry. How is this difficulty resolved? Under r. 95 of the Land Registration Rules, 1925, the Chief Land Registrar can, and does, ask for the unstamped transfer, with a certified copy, to be lodged with the request for the immediate return of the original document for stamping purposes and an undertaking to relodge it when stamped.

But what happens (and the profession is well aware of registry delays) if the Land Registry fail to return the transfer to enable it to be lodged for adjudication and stamping in time? The requirements of the two Government departments may leave the unfortunate purchasers on the horns of a dilemma.

On inquiry at H.M. Land Registry, it is learned that if a penalty was imposed by the Controller of Stamps through the registry's fault, the latter would pay it, as they have been known to pay interest on the balance of purchase money owing to delay in completion due to the registry's delay. The practitioner is advised to mark the application form in red ink, *Please return transfer for adjudication*, to ensure that it receives special treatment. The Central Information Section, Controller of Stamps, say that, if the transfer was out of time for stamping through the Land Registry's fault, no penalty would be imposed.

Redeemed land tax as charge on land

Purchasers' solicitors are sometimes mystified by an entry on their certificate of search that has no distinguishing marks such as are provided for by the Land Charges Act, 1925. Sometimes only the year of registration and possibly a parish are disclosed.

More often than not these are registrations under the Land Charges Registration and Searches Act, 1888, and are charges on land by virtue of the Finance Act, 1896, in respect of redeemed land tax. The person redeeming land tax could obtain a mortgage in his favour secured upon the land out of which the land tax formerly issued. Some landowners made a policy of securing mortgages in such circumstances. They charged the amount of land tax redeemed as additional rent, and many leases reveal such a rent, which, incidentally, surveyors and estate management people today dislike, preferring to let premises at a rounded-off rental.

When the freeholds of property so subject are sold, the old registration of redeemed land tax comes to light on the purchaser's search. The vendor either cancels the registration in H.M. Land Charges Registry by signing the prescribed form or gives a letter to the purchaser to the effect that, as he has disposed of the property, he is no longer interested in the charge secured under the Finance Act, 1896, which may be regarded as being at an end. On a first registration of the title to the property, the Chief Land Registrar will accept such a letter and no note of the charge is made on the new land certificate issued in the name of the purchaser.

Adding land to the title

Riparian owners on the River Thames increasingly are executing works of reconstruction under the written licence of the Port of London Authority. Where such owners make an embankment, the land thereby reclaimed vests in the owner of the land in front of which the embankment is made.

This is the effect of s. 255 of the Port of London (Consolidation) Act, 1920. It is possible, therefore, for a freeholder or leaseholder with land fronting the river to add to it an area of land formerly covered by the waters of the Thames. The statutory vesting is made effective by the Port of London Authority endorsing on the licence on completion of the works a certificate that any conditions contained in the licence have been performed. The certificate is evidence of the making of the embankment. The land reclaimed vests and is thereafter enjoyed for the same estate and interest as the land immediately in front of which the embankment was made.

Where the land has a registered title, application should be made to the Chief Land Registrar to add to the land comprised in such title the reclaimed land.

W. A. G.

"THE SOLICITORS' JOURNAL," 10th AUGUST, 1861

ON 10th August, 1861, THE SOLICITORS' JOURNAL wrote: "Notwithstanding reams of print in blue books about the drawing of Parliamentary Bills, insuring uniformity in their arrangement and form, and general revision of our statute book, the Bankruptcy Bill of the past session was admitted on all hands to be a rare specimen of awkward drawing—abounding in unskilful and loose phraseology, unscientific in its plan and having little regard to the existing state of the statute book. It had, moreover, the radical defect of effecting extensive repeals of former Acts of Parliament in a fragmentary manner and by way of reference or implication. For instance, it repeals expressly a number of clauses in the Bankruptcy Consolidation Act (12 & 13 Vict., c. 106) and also 'such other parts of the said Act as may be inconsistent with the present Act.' The Bill was brought forward by the Attorney-General in the House of Commons, and a few days afterwards the Lord Chancellor, in the House of Lords, when introducing the Statute Law Revision Bill, attributed the wretched condition which now disgraces our statute book to the 'vicious mode' of repealing statutes, 'not expressly, but by simply enacting that all statutes inconsistent with the particular Act should be repealed.' 'The difficulty,' said his lordship, 'was to decide what statutes were inconsistent with it.' . . . Are we not justified . . . in saying that even Government Bills are prepared without any regard to uniformity or scientific arrangement? We have already said so much in this Journal on this subject that we need not further advert to it here."

"The Solicitors' Journal"
Friday, August 11, 1961

Landlord and Tenant Notebook

A PRIVATE OUTSIDE STAIRCASE

THE report of *Gill and Another* v. *London & Westcliff Properties, Ltd.* (1961), 177 E.G. 389, does not tell us as much about the facts or the cause of action as we would like to know, but the decision provokes the thought that it was a case in which the Occupiers' Liability Act, 1957, fell short of what was required for the plaintiffs' purposes, while if the Housing Bill now before Parliament had been in force they would have had a chance of success.

The defendants owned a house divided into flats. It had a garden at the back, and it would appear that all occupiers were entitled to use that garden. The plaintiffs, a married couple, occupied the first floor flat and an iron staircase had been built at the side of the house leading to and from the back garden. The defendants were not contractually liable for the maintenance of this staircase, but they did repairs from time to time, and some ten days before the female plaintiff sustained injury caused by the defective condition of one of the treads they had said that they would repair that tread.

Argument centred on the question whether that staircase was part of the first floor flat or not.

Occupation

The reason was that, in order to succeed, the plaintiffs would have to show that it was not part of what had been demised. The terms of the tenancy, evidenced by a rent book, imposed no liability for repairs on the defendants; they had not expressly reserved any right to repair: *Heap* v. *Ind Coope & Allsopp, Ltd.* [1940] 2 K.B. 476 (C.A.); and it was presumably thought that the facts fell short of what was required to establish an implied reservation. Such a reservation was recognised in the case of a weekly tenancy, *Mint* v. *Good* [1951] 1 K.B. 517 (C.A.), "there being no authority which prevents the implication in a case of this kind" (Somervell, L.J.), and reinforcement being supplied by the fact that the landlord had done repairs in the past; but the plaintiff there was a complete stranger who had been injured by the collapse of a wall; and earlier in his judgment Somervell, L.J., had attached much importance to the fact that the premises had become a highway nuisance. Also, the learned lord justice's "both sides must contemplate as the basis of the contract that the house will be kept in a reasonable and habitable condition by the landlord and not by the tenant" might not cover such a defect as that which caused the injury.

Common law

In *Dunster* v. *Hollis* [1918] 2 K.B. 795, the defendant owned a house divided into flats, and to get into or out of it at all one had to negotiate a flight of steps between the ground floor and the street. The plaintiff was a tenant of two rooms on the top floor and was injured by reason of the disrepair of these steps. Lush, J., discussed the various possibilities: absolute obligation, obligation to take reasonable care to keep in reasonably safe condition; and obligation to avoid exposing to concealed danger; and, after reviewing a vast number of authorities, concluded that the defendant was liable if through want of care he had allowed premises to be in an unsafe condition—which he had.

Statute law

It was largely with the object of simplification of the position that the Occupiers' Liability Act, 1957, was passed; it was designed to put an end to the wrangling and hair-splitting about invitees and licensees and what would constitute the setting of a trap which had been the features of the numerous decisions reviewed by Lush, J., and of many not so reviewed. It enacted rules regulating a relationship of occupier and visitor and a "common duty of care" owed by the one to the other; but s. 1 (2) says that the rules are not to alter the rules of common law, and while it created rights in favour of "strangers to the contract" those benefiting must be able to show that the person liable is bound to permit persons to enter or use premises of which he is the occupier (s. 3 (4)).

Occupier

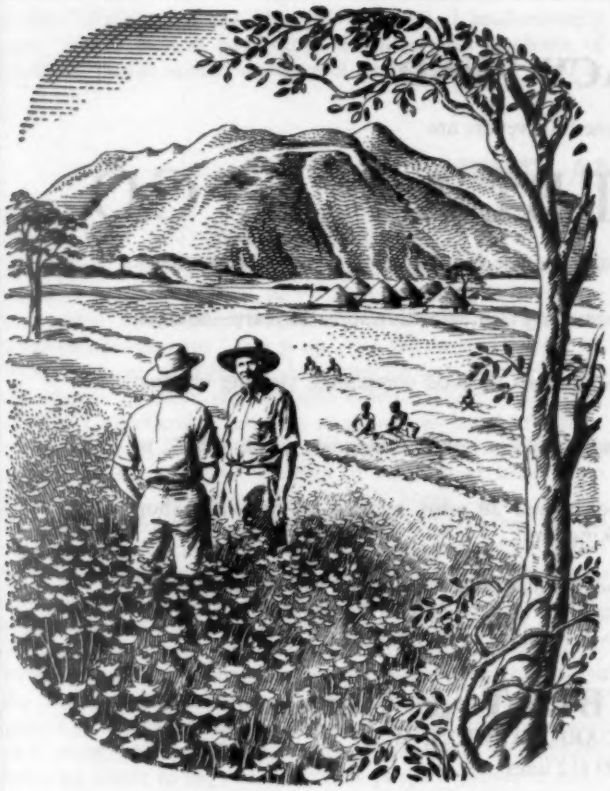
Hence the attempt to establish that the defendants and not either of the plaintiffs occupied the staircase. The contention was ingenious or fanciful; the staircase was put there so that the first floor tenants would not have to disturb those of the ground floor by passing through the latter's premises on their way to and from the garden; hence, it was for the benefit of the ground floor tenants as well as for that of the plaintiffs. The argument did not appeal to Sachs, J. If I may say so, it could hardly have been expected to; it presupposes that there could have been no letting of the ground floor flat unless an easement were created in favour of the other occupants of the house, and there is no law about this. Or, if there would have been a way of necessity had there been no outside staircase, the avoidance of the necessity did not confer rights on anyone but the plaintiffs.

Boundaries

Sachs, J.'s finding was that the plaintiff tenant held a separate and self-contained flat which included the outside staircase. This means that the parcels were of unusually irregular shape. In the only other case concerning an outside staircase which comes to mind, *Browne* v. *Flower* [1911] 1 Ch. 219, the dispute was of a very different kind: the lessee of a so-called "flat" consisting of twelve rooms on three different floors sub-let part of her premises and, in order to give her tenant a separate entrance, constructed a staircase between the sub-let flat and the garden, the garden being her landlords'. Her neighbours complained unsuccessfully of deprivation of privacy, light and air, as the staircase ran between two of their windows; the question being raised whether she had "done anything on the premises the subject of the demise to her which might be or become a nuisance to the occupiers of adjoining premises," Parker, J., held that what she had done had not been done on the demised premises at all; it had been done on the lessors' premises, i.e., the garden. This would not, of course, prevent the staircase itself from being part of the flat. *Truckell* v. *Stock* [1957] 1 W.L.R. 161 (C.A.), has shown that the eaves of a house and the footings of a wall beneath them may belong to one house while the column of air between them belongs to the neighbouring property (see 101 SOL. J. 140).

* * * * *

I greatly regret that when dealing with the expiration of the Landlord and Tenant (Temporary Provisions) Act, 1958,



A problem for executors—

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in the "Notebook" for 21st July (p. 625), I inadvertently gave, in my second paragraph, decontrol the incidents of control. In the second sentence of that paragraph, "£40 or less" and "£30 or less" should have been "over £40" and "over £30" respectively. I trust that readers have applied the *falsa demonstratio* rule and rectified my mistake.

R. B.

HERE AND THERE

NO FORBIDDEN FRUIT

THERE is no real fun in a rebellion against rules which no one is seriously trying to enforce, no courage in flouting conventions that carry no sanction. Maybe that is why so many of those youngsters who "live it up" (as the current saying is) with the most painstaking and conscientious contempt for considerate conduct are basically bored. Their revolt may achieve a considerable measure of success in being revolting, in the sense of getting on other people's nerves, but there are no longer any great barriers of established belief in a particular sort of good behaviour to break down, so the immature insurgents are tantalisingly denied one of the supreme satisfactions of defiance, the enjoyment of forbidden fruit behind the barriers. The poor beasts are reduced to smashing park benches or riding bicycles over flower beds, because that at least is something expressly forbidden. Even sexual exhibitionism is not much use any more as a symbol of emancipation and defiance. In the nineteen-thirties when the Players' Theatre first satirically exploited the popular appeal of poking fun at the Victorian way of life, there were still enough of the Victorian social and moral assumptions hovering about in the background of people's minds to enjoy those contrasts which are of the very essence of humour in comparisons between Victorian conventions and current behaviour. The sense of actual escape added sharpness to the pleasure. But when a supposed emancipation is pushed at you with the incessant persistence of advertisements for detergents and brand cigarettes, well, even if you reject it in an excess of infuriated sales resistance, it becomes about as interesting as just another cigarette, just another habit. It is quite something for this generation, by persistent over-emphasis, to have almost turned even sex, the life stream of humanity, into a mere matter of habit and status and rather a bore, instead of a treat.

THE VOLUPTUOUS KISS

IT is odd that the English should have gone that way, because it was a long-standing English belief that while foreigners, especially Latin foreigners, were shamelessly immoral, they themselves were solid, serious and self-restrained. Some foreign films, at any rate, encourage us to believe that Latin lubricity is more high-powered than our own. But, in spite of that, the Latins have not let themselves get confused or mentally fog-bound about what constitutes good behaviour, what is decent (in the old Latin sense of fitting or becoming), even when they actually indulge in bad behaviour. That is why the pathetically indiscriminate public "necking" which is now so common as to be scarcely noticed in England is never seen, say, in Italy. It is with a start of surprise that English eyes read a headline like: "Too Voluptuous Kiss Sends Rome Lovers to Prison." The couple in that particular news item embraced in a busy square during the evening rush hour. In England they might conceivably have been prosecuted for creating an obstruction in kissing without due care and attention. In Rome a policeman arrested them on a charge of acting indecently in public. The court has now found as a fact that their kiss was "too prolonged and voluptuous" and passed a sentence of two months' imprisonment. It was on a similar charge, arising out of a total or partial "strip tease" in a Roman night club, that a beautiful Turkish dancer was recently convicted, along with seven men charged with aiding and abetting.

LAW AND PRACTICE

IT would take a good many prosecutions to check "strip tease" in London in its triumphant advance towards status as a national industry. The English law, it is true, provides all sorts of theoretical and potential discouragements to kissing in public places. In some circumstances it can be described as behaving "in a riotous and disorderly manner." It can also be "offensive to public feeling" and a cinema manager can lose his licence for allowing that sort of thing. Tumbling in a hay field in the country can lead to a prosecution for damaging the grass, a tangible, practical offence which does not involve an embarrassingly profound review of moral principles. But on simple points of behaviour, what the French would call "*de la tenue*," the English have become curiously insensitive. They have travelled a long way since A. P. Herbert wrote that poem about "Love in the National Gallery," describing lovers driven to do their courting in quiet corners of the art galleries, but do they now find uninhibited courting more interesting or less? All art is a matter of working within limitations and that includes the art of love, which thrives on overcoming the obstructions of law and convention. The Court of Chancery with its committals is half the attraction of Gretna Green.

RICHARD ROE.

BUILDING SOCIETIES UNITE

The following three societies, the Professional and Commercial Benefit Building Society, the Productive Investment Building Society, and the Freehold and Leasehold Permanent Benefit Building Society, which have been in existence for over 100 years, have now been combined under the name of the Productive Building Society, forming a single concern with assets of over half a million pounds. The secretaries to the new society are Messrs. Norris Hadley, 231–2 Strand, London, W.C.2, who have acted as secretaries to each of the three societies since their inception.

NEW COUNTIES FOR EAST MIDLANDS PROPOSED

Proposals for the creation of two administrative counties, by combining Cambridgeshire with the Isle of Ely, to be known as Cambridgeshire, and Huntingdonshire with the Soke of Peterborough, to be known as Huntingdon and Peterborough, and also the amalgamation of Leicestershire and Rutland, to be known as Leicester and Rutland, have been submitted to the Minister of Housing and Local Government, and were published on 1st August. The proposals have been sent to local authorities and public local inquiries will follow if there are any objections to the report.

REVIEWS

All the Modern Cases on Negligence By RICHARD BINGHAM, Q.C., Recorder of Oldham. pp. xxxix and (with Index) 571. 1961. London: Sweet & Maxwell, Ltd. £3 10s. net.

Reference, pure and simple, not reading, is the object of this new arrival on the legal scene. The book contains summaries, more attenuated in form even than the headnotes customarily appearing in digests, of 1,397 reported and 249 unreported (from Bar library transcripts of Court of Appeal judgments since 1951) cases on negligence and, in addition, on breach of statutory duty and liability under *Rylands* v. *Fletcher*. It is stated in the preface that, save for a few unimportant and deliberate omissions, all relevant cases on these subjects as reported from all available sources from 1936 onwards (and back to 1932 for the *Donoghue* v. *Stevenson* cases) down to 1st April, 1961, are included. Random testing of this statement showing no cause for opposition, this reviewer must concede the claim inherent in the title. This being so, it is necessary to consider the *raison d'être* of the collection, which, it is said, is quick and convenient reference by those concerned with personal injury claims to the decisions, or current trend of decisions, relating to any particular aspect arising. The reference can be made via the comprehensive table of contents, but the intended key apparently is the index, which is largely, but not entirely, organised in the somewhat unorthodox way of specifying the thing or object involved. Thus, both " snail in ginger-beer bottle " and " ginger-beer bottle containing alleged snail " are to be found (no prize for knowing the case referred to), as are such interesting references as " bacon-slicing machine " (whether factory, not disaster), " coffin breaking open," " elm butt rot," " lion's tent " and " money thrown at bank customer." Also, of course, there is orthodox indexing under such headings as " Master and Servant—Common Law, and Statutory Duty " and " Standard of Care." Again, random testing showed that this combination of the orthodox and unorthodox does effect speedy reference.

But the hare lost to the tortoise. By use of this book, without loss of any time, one can find the briefest imaginable statement of facts or out-of-context dicta, but is this helpful? There is no comment, no evaluation of conflicting lines of decisions—is one to choose by counting heads? Further, the views of Lord Somervell in *Qualcast* v. *Haynes* [1959] 2 W.L.R. 510 (H.L.), may be recalled as to the precedent system dying " of a surfeit of authorities " if decisions on questions of fact are to be treated as law and citable. Would it not be quite sufficient for us to continue to find, not all, but the leading decisions both mentioned and discussed in the current standard textbooks? In any case, surely decisions are not to be relied on without first some perusal of the full report, the coincidence of similar facts very often proving misleading. It is not pleasant to give a lukewarm reception to an original work, but here are all the disadvantages and none of the advantages of a students' casebook. Nonetheless, the author does intimate that his raw material has been built up and used in practice with satisfaction over a considerable number of years, from which the expectation follows that others may well use the published version also with satisfaction despite the view expressed above.

Armour on Valuation for Rating. Third Edition. By J. P. H. MACKAY, B.A., M.A., LL.B., Advocate, and J. J. CLYDE, B.A., LL.B., Advocate. With a section on Industrial Derating by J. G. MILLIGAN, B.A., LL.B., Advocate. pp. xlix and (with Index) 507. 1961. Edinburgh: W. Green & Son. £6 6s. net.

This is a long overdue edition of a well-known work (the last was in 1912), which brings the law up to date after the fairly considerable legislative changes since 1925 and particularly the Valuation and Rating (Scotland) Act, 1956, which brings the Scottish valuation basis much more closely into line with the English. The work is divided into four parts, covering procedure, particularly authorities, valuation rolls and appeals, rateable property entered in the roll, persons entered in the roll (including the law of occupation) and values and valuation, including derating. This subdivision of the subject makes it easy to refer to any particular aspect of the law, and the system of headings and sub-headings of chapters assists, although bold side-headings for paragraphs would be a welcome improvement. Statutes, including local and private Acts, and statutory instruments, appear in appendices and there are the usual contents, table of cases, table of statutes and index. For English practitioners the principal interest of the work is its usefulness as a guide to Scottish decisions on matters where the law is similar (which does not mean necessarily identical), such as occupation and valuation.

Nathan's Equity through the Cases. Fourth Edition. By O. R. MARSHALL, M.A. (Cantab.), Ph.D. (Lond.), of the Inner Temple, Barrister-at-Law. pp. lix and (with Index) 682. 1961. London: Stevens & Sons, Ltd. £3 10s. net.

This is the very model of a modern major casebook. The purpose of a casebook, essentially different from that of a text-book, is to provide students with ready access to the main springs of their subject rather than with mere statements of rules, however full. This is a method of legal instruction much favoured in the U.S.A. and there can be no denying that the resulting encouragement to go to the sources of law is most desirable for the same reason that it is better to see a play than merely to read the critics. Thus basically we have here a collection in one volume of the reports (sometimes pruned down to relevant extracts) of the leading cases, and also of statutory provisions, on the general principles of equity and on trusts.

However, the book is more than simply a labour-saving device. The cases are preceded by and illustrate short propositions of law of the utmost simplicity and clarity; they are followed more often than not by explanatory notes which are penetrating and sometimes provocative; in between, the vital words of judgments stand out in italics; and throughout footnotes contain references to the more important articles written on particular topics. The undergraduate grappling with equity will find, indeed has found, first-class assistance in " Nathan," the more so, it may be said, since the present editor has left his own unmistakable imprint. The fourth edition, enjoying considerable reorganisation and the addition in full of not a little recent matter, is bigger and better than before. For the student, if not also for the practitioner, it constitutes an essential supplement, or next stage of studies to the familiar Snell's Equity, the latest edition of which, although appearing some months earlier, by some publisher's magic contains cross-references to this edition of Nathan.

Rentcharges in Registered Conveyancing. By THEODORE B. F. RUOFF, Solicitor, Senior Registrar of H.M. Land Registry. pp. xxiv and (with Index) 163. 1961. London: Sweet & Maxwell, Ltd. £1 17s. 6d. net.

This addition to the text books recently prepared (wholly or in part) by Mr. Ruoff contains a detailed account of the law and practice of registration of title so far as it relates to rentcharges and land subject to rentcharges. The need for an explanation of this kind is well illustrated by the author's remark that " there is no subject which receives a more meagre and fragmentary treatment in the Land Registration Acts and Rules than that of rentcharges." The date of publication is well chosen in relation to the extension of compulsory registration to Manchester and Salford and the text can fairly be regarded as the necessary companion to the recent book by Mr. H. C. Easton on Rentcharge Conveyancing.

The order of presentation of the subject matter has been chosen with skill and the various explanations of the relationship between the complex rules of law governing rentcharges and general principles of registration of title are clear. The author draws attention to many doubtful points and discusses several unusual transactions. Consequently, the book will be very valuable to solicitors who deal with an appreciable number of " registered conveyancing " transactions in Manchester and other areas.

Personal Notes

Mr. JOHN GWYNNE GRENFELL, solicitor, of Bristol, was married recently to Dr. Patricia Mary Russell, at Chester.

NOTES OF CASES

*These notes are published by arrangement with the Council of Law Reporting. Except in respect of those marked *, full reports of the judgments, revised by the judges, will shortly appear in the Weekly Law Reports.*

Case Editor: J. D. PENNINGTON, Esq., Barrister-at-Law

Judicial Committee of the Privy Council

MEDICAL PRACTITIONER: INFAMOUS CONDUCT IN PROFESSIONAL RESPECT: STANDARD OF CONDUCT

De Gregory *v.* General Medical Council

Lord Denning, Lord Morris of Borth-y-Gest, Lord Guest

26th July, 1961

Appeal from the Disciplinary Committee of the General Medical Council.

The appellant doctor, aged fifty-six, who had practised in North Wales for fifteen years, was charged before the Disciplinary Committee of the General Medical Council with having, after he had entered into professional relationship with a Mr. and Mrs. *R.* and their family, improperly associated with Mrs. *R.* and from a date in July, 1959, frequently committed adultery with her. On 25th May, 1960, Mr. *R.* divorced her. On 15th June, 1960, she gave birth to a child of which the appellant was the father; and on 16th June, 1960, she married the appellant. The Disciplinary Committee, on 25th November, 1960, found the appellant guilty of infamous conduct in a professional respect and directed that his name should be erased from the medical register. Mrs. *R.* ceased to be a patient of the appellant on 9th December, 1958; and the adultery was after that date, but there was no finding by the committee below whether the improper association began before or after 9th December, 1958. He now appealed.

LORD DENNING, giving the judgment, said that counsel for the appellant submitted that there was no real reason for saying that any improper association existed before May or June, 1959. Their lordships could not accept that view. It depended what was meant by "improper association." The Divorce Court acted only on proof of adultery: but the Disciplinary Committee rightly insisted on a higher standard. A doctor gained entry to the home in the trust that he would take care of the physical and mental health of the family. He must not abuse his professional position so as, by act or word, to impair in the least the confidence and security which should subsist between husband and wife. He must be above suspicion. It was suggested that a doctor who started as the family doctor might be in a different position when he became a family friend. No such distinction could be permitted. Inasmuch as the committee's findings did not specify the date when the improper association started, their lordships would approach the case on the footing that it only began after Mrs. *R.* took her name off the appellant's list. That did not excuse him; he still had access to the home to attend Mr. *R.* and the children, and it was an abuse of his professional relationship with the husband and father for him to enter upon an improper association with the wife and mother of the family. It was infamous conduct in a professional respect, even though she herself had ceased to be his patient. There was ample evidence on which the committee could find as they did, and the sentence of erasure was not too severe. Appeal dismissed.

APPEARANCES: *Andrew Rankin* and *Somerset Jones* (*Jaques & Co.*, for *Gamlin, Kelly & Beattie*, Prestatyn); *John Hobson*, Q.C., and *Peter Boydell* (*Waterhouse & Co.*).

Reported by CHARLES CLAYTON, Esq., Barrister-at-Law

House of Lords

PROFITS TAX: BUSINESS TRANSFERRED

***Inland Revenue Commissioners *v.* J. B. Hodge & Co. (Glasgow), Ltd.**

Lord Reid, Lord Cohen, Lord Hodson and Lord Guest
13th July, 1961

Appeal from the First Division of the Court of Session (Tax Leaflets. Profits Tax No. 39).

The respondent company from its incorporation till 5th April, 1950, carried on business selling and servicing heavy earth-moving equipment. During this period relief for non-distribution of profits under s. 30 of the Finance Act, 1947, was obtained by it. The company sold its trading assets to another company on 5th April, 1950, in exchange for shares in that company and thereafter carried on business as an investment company. Both companies made a joint election under s. 36 (4) (*c*) of the Act on 25th September, 1950. The respondent company sold all its shares in the second company in 1953 to a third company in exchange for shares in that company. Subsequently the respondent company sold part of this holding and on 18th March, 1955, it went into voluntary liquidation. The assets which it distributed in the liquidation exceeded the nominal amount of the paid-up share capital and a distribution charge was therefore made on it for the chargeable accounting period 1st November, 1954, to 18th March, 1955. The First Division of the Court of Session having held that it was not liable, the Crown appealed to the House of Lords.

LORD REID said that the respondent company maintained that the assessment was invalid (*a*) because it was relieved from liability by s. 36 (4) and (*b*) because, in any event, the assessment was made in respect of the wrong chargeable accounting period. Admittedly s. 36 (4) applied and the first point in the case turned entirely on the proper construction of modification (ii) in the subsection, which modified the provisions of the Act. The general scheme of the 1947 Act was to encourage the retention of profits in the business by granting non-distribution relief under s. 30 (2), but, if the retained profits were later distributed, that relief was withdrawn by means of a distribution charge under s. 30 (3). So a purchaser of a business, not having received relief, would not be liable to pay the distribution charge, but the seller would remain liable if the retained profits were later distributed. The modifications altered this. Modification (ii) made the purchasing company liable to pay distribution charges in future as if it had received the relief which the selling company received before the sale. Modification (i) granted a limited exemption from distribution charges to the seller (limited in that it only applied on a liquidation of the selling company and to its shares in the purchasing company). Modification (i) gave the respondent company no benefit, but it maintained that the terms of modification (ii) relieved it from all liability for distribution charges and, if one had to consider that modification alone, his lordship would have agreed with that conclusion. But if that were right modification (i) would be unnecessary. On the next point, the respondent company first argued that s. 43 (1) of the Act of 1947 did not apply to this case, where the taxpayer first carried on one trade and then, after ceasing to carry it on, started another. The respondent company further argued that both the general scheme of the Act and the express

terms of s. 35 (1) (*c*) showed that any assessment for the purpose of collecting by means of a distribution charge the tax of which payment was postponed by non-distribution relief could only be effective if it was made in respect of the last chargeable accounting period in which the trade which yielded the profits sought to be taxed was actually carried on. But that could not be reconciled with the scheme of s. 30 (2) and (3), the provisions of which could not properly be applied if a line had to be drawn when a company ceased to carry on one trade and began another. The real flaw in the respondent's argument was a misconception of s. 35 (1) (*c*). If the last chargeable accounting period then referred to was the last period during which any business was carried on the scheme worked perfectly, but if it was the last period during which a particular trade was carried on it led to an absurd result.

The other noble and learned lords agreed in allowing the appeal. Appeal allowed.

APPEARANCES: *D. C. Anderson*, Q.C., S.-G. for Scotland, *Alan S. Orr* (of the English Bar) and *A. J. Mackenzie Stuart* (of the Scottish Bar) (*Solicitor of Inland Revenue*); *Sir John Senter*, Q.C., *Desmond Miller*, Q.C., and *Neil Elles* (all of the English Bar) (*E. P. Rugg & Co.*, for *Dundas & Wilson*, C.S., Edinburgh).

[Reported by F. H. COWPER, Esq., Barrister-at-Law]

Court of Appeal

STAMP DUTY: CONVEYANCE OR TRANSFER ON SALE: EXCHANGE OR CONVEYANCE ON SALE

Littlewoods Mail Order Stores, Ltd. *v.* Inland Revenue Commissioners

Lord Evershed, M.R., Harman and Donovan, L.JJ.

23rd June, 1961

Appeal and cross-appeal from Danckwerts, J. ([1961] 1 Ch. 210; p. 38, *ante*).

In 1958, a friendly society owned certain freehold property subject to a lease for ninety-nine years from June, 1947, at an annual rent of £23,444 in favour of company *L*. On 8th December, 1958, the society granted to company *L* a lease of the property for twenty-two years, ten days, at an annual rent of £6, which operated as a surrender of the ninety-nine-year lease. On 9th December, company *L* assigned the twenty-two-year, ten-day lease to company *F*, which was a wholly-owned subsidiary of company *L*. On 10th December, company *F* granted to company *L* an underlease of the property for twenty-two years at an annual rent of £42,450. On 11th December, the society and company *F* executed a deed, called a deed of exchange, whereby company *F* assigned to the society the twenty-two-year, ten-day lease, subject to and with the benefit of the twenty-two-year underlease, and the society conveyed to company *F* the fee simple of the property, subject to and with the benefit of the twenty-two-year, ten-day lease. On 12th December, company *F* executed a deed guaranteeing the payment to the society by company *L* of the annual rent of £42,450 reserved by the twenty-two-year underlease and charging its freehold reversion with payment thereof. On 13th December, company *L*, by deed, indemnified the society against payment of stamp duty and penalties. On appeal by company *L* against assessments to ad valorem stamp duty on (1) the deed of assignment dated 9th December, on the ground that it was exempted from stamp duty by s. 42 of the Finance Act, 1930, and was not deprived of that exemption by s. 50 of the Finance Act, 1938; and (2) the deed of exchange dated 11th December on the ground that it should be assessed under the head of charge "exchange or excambion" and not "conveyance or transfer on sale," Danckwerts, J., dismissed (1) but allowed (2). The Crown appealed and the company cross-appealed.

LORD EVERSHED, M.R., giving judgment on the appeal, said that, in his opinion, the deed of exchange of 11th December was within the heading "exchange or excambion—'instruments effecting'" in Sched. I to the Stamp Act, 1891, and was, accordingly, liable to stamp duty of 10s. It was not "a conveyance on sale" within the definition in s. 54 of the Act of 1891 and Sched. I to that Act, for, applying the ordinary standards as to what was "a sale," the transaction lacked the essential characteristics of the presence of a buyer, a seller, something sold and a price or consideration for what was sold. Duty was leviable on instruments, not transactions, but what had to be ascertained was what was in reality the substance of the transaction effected by the instrument. As to the cross-appeal, his lordship said that, although the court would construe the terms of an Act of Parliament which amended existing legislation on a particular subject-matter in the sense which they had been held to bear in the main legislation, that principle must not be carried too far, and the phrase "conveyed or transferred" in s. 50 (1) (*b*) of the Act of 1938 should be construed according to the admitted ordinary legal meaning of the words used and not restricted so as to exclude the creation of a lease by referring to the distinction made in Sched. I to the Act of 1891 between a "conveyance" and a "lease." Accordingly, both appeals failed.

HARMAN and DONOVAN, L.JJ., delivered concurring judgments. Appeal and cross-appeal dismissed. Leave to appeal.

APPEARANCES: *B. L. Bathurst*, Q.C., and *E. Blanshard Stamp* (*Solicitor of Inland Revenue*); *Peter Foster*, Q.C., and *K. B. Suenson Taylor* (*Jaques & Co.*, for *North, Kirk & Co.*, Liverpool).

[Reported by J. A. GRIFFITHS, Esq., Barrister-at-Law] [3 W.L.R. 509

EDUCATION: FAILURE TO COMPLY WITH SCHOOL ATTENDANCE ORDER: JURISDICTION OF CHANCERY DIVISION

***In re* B (Infants)**

Ormerod, Upjohn and Pearson, L.JJ. 14th July, 1961

Appeal from Pennycuick, J. ([1961] Ch. 303; p. 282, *ante*.)

The mother of three children of school age was twice convicted and fined by justices for failure to comply with school attendance orders under s. 37 of the Education Act, 1944. Her appeal against the first conviction was dismissed by quarter sessions in 1958, and against the second by the Divisional Court in February, 1960, but she persisted in her refusal to comply with the orders. The local education authority took out a summons asking that the children be made wards of court and that the court should give directions as to their education. Pennycuick, J., found that the children were not receiving efficient full-time education, but he held that he should not give directions as to their education, and ordered that they cease to be wards of court. The local education authority appealed.

ORMEROD, L.J., reading his judgment, said that the court ought not to exercise its prerogative power over infants in relation to duties or discretions clearly vested by statute in local authorities. Otherwise the court would make orders which might conflict with orders made by the local education authority in the exercise of a discretion vested in them by Parliament. Under the Education Act, 1944, the duty of seeing to the proper education of children was imposed on the local education authority, and they were given a discretion as to its exercise. There was also a sanction available under

the Act of 1944 against those who failed to comply with the orders of the local education authority. It would be wrong for the court to interfere, and the appeal must be dismissed.

UPJOHN and PEARSON, L.JJ., delivered concurring judgments. Appeal dismissed. Leave to appeal refused.

APPEARANCES: *A. C. Sparrow* (*Sharpe, Pritchard & Co.*, for *F. P. Boyce*, Norwich); *Arthur Bagnall*, Q.C. (*Piesse & Sons*, for *Russell Steward, Stevens & Hipwell*, Norwich).

[Reported by NORMAN PRIMOST, Esq., Barrister-at-Law]

MASTER AND SERVANT: COMMISSION PAID IN ADVANCE: WHETHER REPAYABLE

Bronester, Ltd. *v.* Priddle

Holroyd Pearce, Willmer and Pearson, L.JJ.

19th July, 1961

Appeal from Shoreditch County Court.

In May, 1958, the appellant, a sales representative, agreed to serve a company on a commission and salary remuneration. The agreement provided that he should be paid his salary, plus a commission of 10 per cent. on all deliveries made during his employment. A further clause stated that the company would, in its discretion, advance up to one-half of the commission on forward orders when such orders were accepted and confirmed. Provision was also made that, in the event of orders falling into abeyance, or in the case of non-payment, the commission would be repayable. In July, 1959, a further agreement in the same terms was entered into but without reference to advances on commission, but in fact the advances of commission continued and P.A.Y.E. was deducted from all commission including forward commission paid. In July, 1960, the appellant terminated his agreement. At that date the company paid him sums by way of forward commission on goods which had not yet been delivered to them. Having given the appellant credit for £67, salary and commission due to him, they claimed to recover a net sum of £204 17s. 4d. The county court judge found that payment of one-half of the full amount of commission had been made to the appellant and that this sum would have been due to him had he remained in the respondent's employment; that that payment was a discretionary advance to assist the appellant financially; and, preferring the decision of Hallett, J., in *Rivoli Hats* v. *Gooch* [1953] 1 W.L.R. 1191, to that of McNair, J., in *Clayton Newbury, Ltd.* v. *Finlay* [1953] 1 W.L.R. 1194, gave judgment for the company. The appellant appealed.

HOLROYD PEARCE, L.J., said that if either of the parties to the agreement of 1959 had been asked whether commission would be payable to the appellant after he had left the employment of the company the answer would have been "No." In so far as the two cases considered by the judge appeared to conflict, his lordship was not going to say which of them was correct. Each case had to be decided on its own facts.

WILLMER, L.J., concurring, said that where there was no express provision for repayment the matter must be tested on the principles stated by Scrutton, L.J., in *Reigate* v. *Union Manufacturing* (*Ramsbottom*), *Ltd.* [1918] 1 K.B. 592, at p. 605. Under the agreement of July, 1959, the appellant was only entitled to commission on deliveries completed during his employment. If he was not employed then a term must be implied that the money was repayable. He agreed with the comments made on the two possibly conflicting authorities mentioned by Holroyd Pearce, L.J.

PEARSON, L.J., dissenting, said that the whole story must be taken into account. Nothing in either of the two contracts forced the company to pay commission in advance, but once it was paid the appellant ought not to be asked to pay it back. To hold otherwise was to deprive the appellant of money he had earned. Therefore, the agreement was in some respects unfair; and, being a document drawn up by the respondents it must be construed against them. Payment of commission in advance was remuneration and not a loan or a subject of business convenience and the deduction of P.A.Y.E. confirmed his opinion. He thought there was a running account between the parties, and when the appellant left the company a balance had to be struck and it could then be seen what each party owed the other.

Appeal dismissed.

APPEARANCES: *Michael Browne* (*Herrington & Carmichael*); *Aron Owen* (*Malkin Cullis & Sumption*).

[Reported by D. M. GOODBODY, Esq., Barrister-at-Law]

RENT ACTS: SUBLETTING WHOLE OF PROTECTED PREMISES: LANDLORD'S CLAIM FOR POSSESSION: WHETHER NECESSARY TO PROVE WHOLE SUBLET UP TO DATE OF CLAIM

Finkle *v.* Strzelczyk and Others

Lord Evershed, M.R., Harman and Donovan, L.JJ.

24th July, 1961

Appeal from Marylebone County Court.

The tenant of a rent-controlled house sub-let each room from time to time to a variety of tenants. From October, 1959, a Miss *T* occupied a room; she managed the premises to some extent and was also the tenant's mistress, his wife living elsewhere. The tenant did not at the relevant time occupy a room for himself. In Feburary, 1961, the landlord applied for an order for possession against the tenant and the occupiers of the rooms, including Miss *T*, on the ground set out in para. (*d*) of Sched. I to the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, that the tenant without his consent had "at any time after" 1st September, 1939, "assigned or sub-let the whole . . ." or "part of the dwelling-house, the remainder being already sub-let." The tenant contended that at the time when the landlord began proceedings for recovery all parts of the house had not been sub-let and in particular that Miss *T* was not a sub-tenant since she paid no rent. The county court judge found that there had been a sub-letting of all the rooms continuously from August to October, 1959, and that Miss *T* was a sub-tenant; and he exercised his jurisdiction under the Act of 1933 to make an order for recovery of possession, considering it "reasonable so to do." The tenant appealed.

LORD EVERSHED, M.R., said that this tenant had carried on a profitable business of letting rooms, and if ever there was a case which the Rent Acts were not designed to protect, it was this. But it was argued for the tenant that before a court could eject a statutory tenant it must be shown, under para. (*d*), that the sub-letting continued at the date when proceedings commenced, that that had not been proved here, and that the decisions in *Hyde* v. *Pimley* [1952] 2 Q.B. 507, and *Oak Property Co., Ltd.* v. *Chapman* [1947] 1 K.B. 887, compelled a conclusion different from that of the county court judge. But para. (*d*) did not say that which was contended. It said simply that the court, if the events mentioned in it had happened, was given jurisdiction which it might exercise if it thought that in all respects it was reasonable so to do. There was ample justification on the evidence for the judge's conclusion, and the appeal should be dismissed.

HARMAN, L.J., concurring, said that where, as here, there was plenty of evidence that the regular course of business was to let all the rooms whenever they could be let, under a protected tenancy, it did not matter that each room was not proved to have been let on each day up to the date of complaint. Nothing in the cases cited required the court to construe para. (*d*) so as to allow it to operate only if the circumstances mentioned in it existed at the date when the plaint was issued.

DONOVAN, L.J., agreed. Appeal dismissed.

APPEARANCES: *L. A. Blundell*, Q.C., and *G. Dobry* (*S. L. Karpinski*); *Aron Owen* (*Israel, Joslin & Co.*).

[Reported by Miss M. M. HILL, Barrister-at-Law]

ANIMALS: PLAINTIFF FRIGHTENED BY SMALL MONKEY'S APPEARANCE ON GARDEN WALL: WHETHER CAUSE OF FALL BY PLAINTIFF

***Brook *v.* Cook**

Lord Evershed, M.R., Harman and Donovan, L.JJ.
27th July, 1961

Appeal from Ilford County Court.

The plaintiff, aged 61, was in her own garden when a West African grass monkey, 12 to 14 inches in height, owned as a pet by her neighbour's son, appeared on the garden wall. The plaintiff, who disliked animals other than cats and dogs, took fright, turned to the house, and in so doing fell, sustaining a broken wrist. She brought an action against the son and his father, claiming that the monkey was a creature *ferae naturae* and that its owner was under an absolute liability for any damage suffered as a result of any activity of such animal, and that her injuries had been caused by the act of the animal. No evidence was given of any attack on anyone by the monkey, though evidence was given that it had a propensity to leap on to people in the hope of getting something to eat. The county court judge dismissed the claim, stating that he was not satisfied on the evidence that the fall was caused by the appearance of the monkey. The plaintiff appealed.

LORD EVERSHED, M.R., said that the argument for the plaintiff was based on very ancient authority—Hale's Pleas of the Crown—that if an animal fell within the class of "ape or monkey" and did harm to any person the owner was liable to an action for the damage. For the defendant it was suggested that in this day and age "ape or monkey" did not cover every species within the generic term and that not everything called monkey must be treated as an animal *ferae naturae*. On the facts of this case all that this monkey did was to sit on the wall. Some day it might be necessary to consider the extent of liability in a case such as this; but there was a short answer to it in the judge's finding that he was not satisfied that the fall was caused by the monkey's appearance. The court had been asked to say that on the evidence that was a misdirection, for though the plaintiff might have acted unwisely or foolishly, the truth was that she was first frightened by the monkey, then put up her hands, and, being in that position less balanced, fell, and that there had therefore been no break in the chain of causation so that the fall was proved to be the result of the monkey's appearance on the wall. But the judge did not say that. In such a case the court should not interfere with such a finding of fact. The appeal should be dismissed. Even assuming for the present purpose that this animal ought to be treated as *ferae naturae*, this was not a case of any injury resulting from an attack of any sort by an animal.

HARMAN, L.J., delivered a concurring judgment.

DONOVAN, L.J., agreed. Appeal dismissed.

APPEARANCES: *Andrew Phelan* (*Moss & Coleman*, Hornchurch); *Raymond Sears* (*Daybell, Court, Cooper & Co.*, Ilford).

[Reported by Miss M. M. HILL, Barrister-at-Law]

Chancery Division

VENDOR AND PURCHASER: COVENANT TO "PROCURE": WHETHER BINDING ON SUCCESSORS IN TITLE

***In re* Royal Victoria Pavilion, Ramsgate; Whelan *v.* F.T.S. (Great Britain), Ltd.**

Pennycuick, J. 29th June, 1961

Adjourned summons.

By a conveyance dated 7th July, 1952, the vendors, the lessees of a seaside pavilion with an unexpired term of seventeen years due to expire on 25th March, 1969, conveyed to the defendant purchasers two freehold properties in the town in which the businesses of theatres and cinemas were carried on, and assigned to them two leasehold properties in the town in which the business of a theatre, cinema and an inn were carried on, together with the goodwill of the businesses. By cl. 5 the vendors covenanted with the purchasers that they would "procure" that, until 25th March, 1969, the pavilion would not be open to the public between 30th September in each year and the succeeding Whit Saturday, except for entertainment by living actors for one performance each month, save with the purchasers' written consent, or be used at any other time for public entertainment by any other medium than living actors. The restriction was registered as a class D (ii) land charge. An assignee of the vendors took out a summons for a declaration that the covenant was not binding on him or any other leaseholder of the pavilion, alternatively, for a declaration whether and by whom the covenants were enforceable and that the entry in the register be cancelled.

PENNYCUICK, J., said that a covenant expressed to be to "procure" was naturally to be regarded as a purely personal covenant and, in its context, and in view of the length of the term, cl. 5 was a personal covenant by the vendor alone. Nor must the covenant be deemed to be made by the covenantor on behalf of himself and his successors in title under s. 79 (1) of the Law of Property Act, 1925, for, although it contained no express provision to the effect that it was not made on behalf of successors in title, there was sufficient indication in the wording and context of the instrument to satisfy the wording of the exception "unless the contrary intention is expressed." The covenant was, therefore, not binding on the plaintiff and the entry in the register should be cancelled. The covenant had been taken for the protection of the properties comprised in the conveyance viewed as land and not for the protection of the purchasers' businesses, and would have been capable of running with the pavilion.

APPEARANCES: *D. A. Thomas* (*Isadore Goldman & Son*); *Peter Oliver* (*Joynson-Hicks & Co.*).

[Reported by Miss M. G. THOMAS, Barrister-at-Law] [3 W.L.R. 491

Probate, Divorce and Admiralty Division

SHIPPING: LIMITATION OF LIABILITY: WRECK-RAISING EXPENSES

The *Arabert* (Limitation)

Lord Merriman, P. 27th March, 1961

Action.

On 23rd December, 1955, the plaintiffs' vessel *Arabert* and the defendants' vessel *Cyprian Coast* came into collision in the port of Newcastle, and the *Cyprian Coast* sank. In the exercise of their statutory powers, the Tyne Improvement Commissioners served the defendants with a notice that the *Cyprian Coast* was, or was likely to become, an obstruction or danger to the River Tyne, and stating their intention to take possession of and to raise, remove or otherwise to dispose of the vessel. The commission had the vessel raised and

handed her over to the defendants for removal and dry-docking for repairs, against the defendants' undertaking to repay all costs incurred by the commission. The collision was caused by the negligent navigation of the *Arabert*, and the plaintiffs claimed to be entitled to limit their liability for damages payable to the defendants, including the expenses of raising the *Cyprian Coast*. The defendants did not dispute the plaintiffs' right to limit their liability for damages, except in relation to the wreck-raising expenses, and the sole question was whether such expenses were damages within the meaning of s. 503 of the Merchant Shipping Act, 1894, and/or of s. 1 of the Merchant Shipping (Liability of Shipowners and Others) Act, 1900.

LORD MERRIMAN, P., said that the argument for the defendants depended on whether *The Urka* [1953] Ll. L. Rep. 478, was rightly decided. Agreeing with Willmer, J., in *The Stonedale No. 1* [1953] 1 W.L.R. 1241, at p. 1251, his lordship thought that the view of Lord Sorn in *The Urka* as to the application of s. 503 of the Act of 1894 was mistaken, and held that the word "damage" in subs. (1) (*d*) included pecuniary as well as physical damage and that, accordingly, the wreck-raising expenses were damage to the *Cyprian Coast* caused by the improper navigation of the *Arabert* within the meaning of that section, so that the plaintiffs were entitled to limit their liability for those expenses under that section. As to s. 1 of the Act of 1900, the section referred to the property and rights of the person to whom the liability was owed. The *Cyprian Coast* was the property of the defendants, who had the right to her services as a ship. The *Arabert* was admittedly liable for the expenses of raising her as part of the damages, and it was the *Arabert's* negligent navigation which caused the *Cyprian Coast* to sink, thereby causing that "loss or damage" to the defendants' "property" or "rights" within the section. With the utmost diffidence his lordship must express his considered opinion that *The Urka, supra*, was wrongly decided, and that the plaintiffs were entitled to include the wreck-raising expenses in their claim for limitation. Judgment for the plaintiffs.

APPEARANCES: *J. V. Naisby*, Q.C., *A. A. Mocatta*, Q.C., and *H. V. Brandon* (*Bentleys, Stokes & Lowless*, for *Bramwell, Clayton & Clayton*, Newcastle-upon-Tyne); *Roland Adams*, Q.C., and *N. W. Boyes* (*Middleton, Lewis & Co.*, for *Middleton & Co.*, Sunderland).

[Reported by Miss J. F. LAMB, Barrister-at-Law] [3 W.L.R. 215

DIVORCE: JURISDICTION TO GRANT INJUNCTION: AFTER DECREE NISI BUT BEFORE DECREE ABSOLUTE

Cook *v.* Cook

Lloyd-Jones, J. 29th March, 1961

Summons.

A wife was granted a decree nisi of divorce on the ground of cruelty and at the conclusion of the hearing the husband was enjoined not to molest or interfere with the wife in accordance with undertakings he had previously given to the court. Thereafter the parties continued to occupy the matrimonial home, the property of which was in dispute. Before the decree nisi had been made absolute the wife alleged that the husband was in breach of his undertakings and sought an injunction ordering him to leave the matrimonial home and not to molest or interfere with her.

LLOYD-JONES, J., said that an issue had been raised as to whether the court had any jurisdiction to grant the injunction sought. It had been submitted on behalf of the husband that once the decree nisi had been pronounced the parties were strangers to each other and that all that remained was the administrative act of the granting of the decree absolute. It had been argued for the wife that a decree nisi was not equivalent to a decree of judicial separation and was not a final decree, and his lordship said that he accepted that submission and that in his judgment the court had jurisdiction to grant the injunction. If the court were satisfied, there still being in existence a suit as there was here, that the party who asked for relief was in danger of being bullied out of some remedy he or she sought, then the court was equally entitled to act, certainly up to the date of decree absolute. His lordship accepted the evidence of the wife and granted the injunction sought. Order accordingly.

APPEARANCES: *Elaine Jones* (*Denis Hayes*, for *Hewitt & Co.*, Dartford); *K. Bruce Campbell* (*Frederick Weil*).

[Reported by Miss MARGARET BOOTH, Barrister-at-Law] [3 W.L.R. 432

Court of Criminal Appeal

CRIMINAL LAW: SAMPLES OF HANDWRITING: NECESSITY FOR EXPERT EVIDENCE

R. *v.* Tilley

Ashworth, Salmon and Winn, JJ. 27th July, 1961

Appeal against conviction.

The appellants were found by a police officer breaking up a car with an acetylene torch. When questioned, they said that a man had sold it to them and they produced a receipt. At their trial on a charge of stealing the car, both were asked to write out the words on the receipt. The handwriting in one case was nothing like that of the receipt, but in the other, although there were similarities, the Crown did not pursue the matter, as the basis of the prosecution case was that the appellants had primed themselves with the receipt to be ready for any questions, and it was not of great concern who wrote it. No expert on handwriting was called. During the course of an overnight adjournment, the examples of handwriting were photographed and on the next day were handed to the jury together with a magnifying glass. During his summing up, the chairman commented on what he thought were similarities in the lettering and invited the jury to form their own view on the genuineness of the receipt. On appeal, it was argued that the chairman should not have made the comment or have handed the document to the jury without there having been a witness called to advise upon them.

ASHWORTH, J., said that the court endorsed the statement of principle by Salter, J., in *R.* v. *Rickard* (1918), 13 Cr. App. R. 140, that a jury should not be left to decide the question of handwriting on their own. The course taken by the chairman was incorrect and therefore the appeal would be allowed. Appeal allowed.

APPEARANCES: *Robin Simpson* (*Peters & Peters*); *G. H. Rooke* (*N. K. Cooper*).

[Reported by PIERS HERBERT, Esq., Barrister-at-Law]

Restrictive Practices Court

RESTRICTIVE PRACTICES: NEW PRICE RESTRICTION SIMILAR TO JUSTIFIED RESTRICTION: WHETHER "TO THE LIKE EFFECT" AS CONDEMNED RESTRICTION

***In re* Black Bolt and Nut Association's Agreement (No. 2)**

Diplock, J., Sir Stanford Cooper, Mr. W. L. Heywood and Mr. W. G. Campbell. 27th July, 1961

Application.

On 15th July, 1961, the court, having delivered a reasoned judgment (L.R. 2 R.P. 50; p. 665, *ante*), declared that general price restrictions in the agreement between the members of the Black Bolt and Nut Association were not contrary to the public interest, but that restrictions in the agreement relating to supplies to Government departments were contrary to the public interest. The general price restrictions were based on the association's fixed price list

and the court stressed the advantage to the purchaser of a readily ascertainable fixed price for each of a large variety of products, as that obviated the necessity to "go shopping." The prices to Government departments were fixed by circulating the lowest quotation from all members interested in supplying Government departments as the minimum price. The members of the association proposed to enter into a new agreement under which the prices charged to Government departments would be based on the association's price list in the same manner as the general prices. The registrar applied for a declaration that the new restriction was "to the like effect" within s. 20 (3) (*b*) of the Restrictive Trade Practices Act, 1956, as the restrictions found to be contrary to the public interest and for an injunction.

DIPLOCK, J., said that the agreement with which the new agreement had to be compared was the original agreement in respect of the restrictions declared to be contrary to the public interest, and the resemblance relevant to the comparison was in those characteristics of the restrictions which caused the court to declare them contrary to the public interest. Where the court had given a reasoned judgment the test whether an agreement was "to the like effect" was whether the reasoning expressed in the judgment must necessarily lead to the conclusion that the new agreement was contrary to the public interest. In the old agreement the general restrictions were upheld because they saved purchasers the need to "go shopping"; the restrictions relating to Government departments did not have that characteristic, but were quite different, and were therefore condemned. It followed that the reasons which led the court to condemn the original restrictions would not necessarily lead it to the conclusion that the new restrictions, which were similar to those held to be justified, were contrary to the public interest. Therefore, they were not "to the like effect," and the court could not grant the order sought by the registrar. No order.

APPEARANCES: *Arthur Bagnall*, Q.C. (*Treasury Solicitor*); *B. J. M. Mackenna*, Q.C., and *Walter Gumbel* (*Allen & Overy*).

[Reported by NORMAN PRIMOST, Esq., Barrister-at-Law]

IN WESTMINSTER AND WHITEHALL

ROYAL ASSENT

The following Bills received the Royal Assent on 3rd August :—

Bristol Corporation.
Consolidated Fund (Appropriation).
Devon County Council.
Glasgow Corporation Order Confirmation.
Great Ouse Water.
Highways (Miscellaneous Provisions).
Licensing.
London County Council (General Powers).
Newport Corporation.
Poole Corporation.
Port of London.
Public Health.
River Ravensbourne, &c. (Improvement and Flood Prevention).
Suicide.
Trustee Investments.

HOUSE OF LORDS

QUESTIONS

LEGAL EDUCATION FOR AFRICAN STUDENTS

In reply to a question asking what steps had been taken to carry out the recommendations in the Report of Lord Denning's Committee on Legal Education for Students from Africa (Cmnd. 1255) and in particular those recommendations affecting facilities for the legal training of such students in London, the LORD CHANCELLOR said that the Governors of the African colonial territories had been giving urgent consideration to the report to see how far its recommendations could be implemented, and some progress had already been made. In East Africa it was hoped that a Law Faculty would open in Dar es Salaam this October : a building had been secured, a professor and two other members of the teaching staff had been appointed, and funds were available. Plans for providing post-graduate instruction and practical training were under discussion. In Nairobi a conference took place during the preceding week under the chairmanship of Sir Kenneth O'Connor, the president of the Court of Appeal for Eastern Africa, to consider the future of legal education in East Africa. The delegates were unanimous in deciding that it would be desirable for a central law advisory board to be set up on which the different territories would be represented, in order to co-ordinate legal education throughout East Africa and to promote uniformity of standards. In Tanganyika discussions would take place on the question of post-graduate training, under the auspices of the Faculty of Law, as soon as the professor arrived in the territory. It was clear, therefore, that those responsible in the African territories were giving urgent consideration to the problems involved in the implementation of the report. He was sure that all the educational institutions that he had mentioned, as well as that in London referred to below, would be open to students from the High Commission Territories.

In London, as the committee pointed out, the problem was shortage of accommodation for the Council of Legal Education's School of Law. The committee hoped that the premises in Lincoln's Inn occupied by the Inns of Court Regiment might be made available for the purpose. The Government had now fully examined this suggestion, but had concluded that it was not a possible solution having regard to the current needs, including recruiting, of the Territorial Army and Air Force Association of the County of London, who held the lease of the premises on behalf of the Inns of Court Regiment. The council were urgently exploring the possibility of finding some alternative accommodation, and the Minister of Works had offered to assist in any way he could. [1st August.

HOUSE OF COMMONS

QUESTIONS

BUILDING SOCIETIES : ADVANCES

THE MINISTER OF HOUSING AND LOCAL GOVERNMENT stated that the total amount advanced to date to building societies under the House Purchase and Housing Act, 1959, was about £56 million, of which the amount outstanding was about £55 million. The rate of interest charged had varied between 5 and 6 per cent. The scheme had not yet been suspended but he had given six months' notice of its suspension. [1st August.

DECONTROL

THE MINISTER OF HOUSING AND LOCAL GOVERNMENT estimated that up to the present about one-third of all the houses that were under control before the Rent Act came into operation were now decontrolled. [1st August.

STATUTORY INSTRUMENTS

Calf Subsidies (Scotland) Scheme, 1961. (S.I. 1961 No. 1372 (S. 86).) 5d.
Composite Sugar Products (Surcharge—Average Rates) Order, 1961. (S.I. 1961 No. 1455.) 5d.
Draft **Building Standards** (Scotland) Regulations, 1961. 5s. 7d.
Herring Subsidy (United Kingdom) Scheme, 1961. (S.I. 1961 No. 1443.) 5d.
Import Duties (Temporary Exemptions) (No. 5) Order, 1961. (S.I. 1961 No. 1394.) 6d.
Import Duty Drawbacks (No. 7) Order, 1961. (S.I. 1961 No. 1393.) 6d.

Ipswich - Newmarket - Cambridge - St. Neots - Bedford - Northampton-Weedon Trunk Road (St. Neots Bridge) Order, 1961. (S.I. 1961 No. 1366.) 5d.
Live Poultry (Restrictions) Amendment Order, 1961. (S.I. 1961 No. 1405.) 6d.
London (Prohibition of Waiting) (Clearways) Regulations, 1961. (S.I. 1961 No. 1401.) 6d.
London-Edinburgh-Thurso Trunk Road (Fairburn) Order, 1961. (S.I. 1961 No. 1379.) 5d.
National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Amendment Regulations, 1961. (S.I. 1961 No. 1378.) 6d.
Police Pensions (Amendment) (No. 2) Regulations, 1961. (S.I. 1961 No. 1461.) 5d.
Police Pensions (Scotland) (Amendment) (No. 2) Regulations, 1961. (S.I. 1961 No. 1444 (S. 88).) 5d.
Public Health Laboratory Service (Appointed Day) Order, 1961. (S.I. 1961 No. 1408 (S. 9).) 4d.
Rag Flock and Other Filling Materials Regulations, 1961. (S.I. 1961 No. 1389.) 8d.
Removal of Vehicles (England and Wales) Regulations, 1961. (S.I. 1961 No. 1462.) 6d.
Stopping up of Highways Orders, 1961:—
County of Bedford (No. 6) (S.I. 1961 No. 1427.) 5d.
City and County Borough of Birmingham (No. 8) (S.I. 1961 No. 1428.) 5d.
County of Durham (No. 10) (S.I. 1961 No. 1429.) 5d.
County of Essex (No. 11) (S.I. 1961 No. 1367.) 5d.
County of Hampshire (No. 6) (S.I. 1961 No. 1374.) 5d.
County of Lancaster (No. 24) (S.I. 1961 No. 1400.) 5d.
County of Lancaster (No. 25) (S.I. 1961 No. 1368.) 5d.
County of Leicester (No. 5) (S.I. 1961 No. 1430.) 5d.
County of Lincoln, Parts of Lindsey (No. 8) (S.I. 1961 No. 1431.) 5d.
City and County Borough of Liverpool (No. 8) (S.I. 1960 No. 1432.) 5d.
London (No. 31) (S.I. 1961 No. 1424.) 5d.
County of Montgomery (No. 1) (S.I. 1961 No. 1433.) 5d.
City and County Borough of Nottingham (No. 2) (S.I. 1961 No. 1425.) 5d.
County of Wilts (No. 7) (S.I. 1961 No. 1426.) 5d.
County of Wilts (No. 8) (S.I. 1961 No. 1399.) 5d.
Sugar and Molasses (Rates of Surcharge and Surcharge Repayments) Order, 1961. (S.I. 1961 No. 1454.) 5d.
Summary Jurisdiction (Children and Young Persons) Rules, 1961. (S.I. 1961 No. 1421 (L. 4).) 6d.
These rules prescribe new forms for use by juvenile courts, in particular in cases where ss. 60 and 61 of the Mental Health Act, 1959, apply.
Telephone Regulations, 1961. (S.I. 1961 No. 1373.) 2s. 4d.
Various Trunk Roads (Prohibition of Waiting) (Clearways) Order, 1961. (S.I. 1961 No. 1422.) 8d.
White Fish and Herring Subsidies (Aggregate Amount of Grants) Order, 1961. (S.I. 1961 No. 1392.) 5d.
White Fish Subsidy (United Kingdom) Scheme, 1961. (S.I. 1961 No. 1391.) 8d.

SELECTED APPOINTED DAYS

July
28th — Wages Regulation (Cutlery) Order, 1961. (S.I. 1961 No. 1310.)
31st — Civil Aviation (Licensing) Act, 1960, s. 9 (part).
Wages Regulation (Boot and Shoe Repairing) Order, 1961. (S.I. 1961 No. 1309.)

August
1st — Betting and Gaming Act, 1960, ss. 13, 14.
Breathing Apparatus, etc. (Report on Examination) Order, 1961. (S.I. 1961 No. 1345.)
Land Compensation Act, 1961.
Motor Vehicles (Construction and Use) (Amendment) Regulations, 1961. (S.I. 1961 No. 1313.)
Public Health Laboratory Service Act, 1960.
11th — Building Society (Amendment) Rules, 1960. (S.I. 1960 No. 1237.)
13th — Wages Regulation (Licensed Non-residential Establishment) Order, 1961. (S.I. 1961 No. 1347.)
15th — Ionising Radiations (Sealed Sources) Regulations, 1961. (S.I. 1961 No. 1470.)
19th — Consumer Protection Act, 1961.
Flood Prevention (Scotland) Act, 1961.
Public Authorities (Allowances) Act, 1961, ss. 1, 2, 3, 7, 8 and 9.

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of "The Solicitors' Journal"]

Non-admission of Aliens

Sir,—With reference to the final paragraph of the review of Cordery's Law Relating to Solicitors (5th ed.) at p. 645 of your issue of 28th July, perhaps your reviewer can explain from his independent inquiries—

(1) how it is that a solicitor, if indeed he holds, by virtue only of being a solicitor, an "office from the Crown," can sit as a Member of Parliament; and

(2) the anomaly that an alien who has "enjoyed an office or place of trust . . . from the Crown" (apparently this is possible) is in an especially favourable position under the British Nationality Regulations, 1948, on a request for naturalisation?

O. H. Lav.

London, W.1.

[*Our reviewer writes:* I welcome the spirit in which Mr. Lav makes his points. However, eligibility for membership of the House of Commons is now governed by the House of Commons Disqualification Act, 1957, under which solicitors as such are not disqualified. The reference to Crown service in the British Nationality Regulations, 1948, must be read in conjunction with ss. 6 (1) and 1 (3) of the British Nationality Act, 1948, which limit the context to certain named countries with a Commonwealth connection. The Aliens' Employment Act, 1955, lays down certain conditions in which aliens may be employed in a civil capacity under the Crown if appointed and employed outside this country.

Nevertheless, The Law Society has not always refused to permit the admission of aliens as solicitors and to grant them practising certificates. Presumably, since the adoption of the present policy no alien who has completed service under articles and passed The Law Society's final examination has had occasion to challenge the interpretation of the Act of Settlement which is being followed. In the absence of a modern judicial construction (cf. *R.* v. *De Mierre* (1771), 5 Burr. 2788, where it was held that the office of constable of a ward of the City of London, being an office of trust, could not be held by an alien: see Halsbury's Laws, 3rd ed., vol. 1, p. 506, note (*a*)), it would certainly be desirable for the position to be clarified upon the next occasion when a Solicitors Act is passed.]

TWO-DAY CONFERENCE

A conference on "The Encouragement and Protection of Investment in the Developing Countries" will be held under the auspices of the Federal Trust for Education and Research, the Institute of Advanced Legal Studies and the British Institute of International and Comparative Law, on 28th and 29th September, at the Waldorf Hotel, Aldwych, London, W.C.2. Further details of the conference may be obtained on application from the Federal Trust, 10 Wyndham Place, London, W.1.

POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the "Points in Practice" Department, The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. They should be brief, typewritten in duplicate, and accompanied by the name and address of the sender on a separate sheet, together with a stamped addressed envelope. Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all

A SELECTION OF POINTS ARISING FROM THE PROVISIONS OF THE BETTING AND GAMING ACT, 1960

(*Continued from p. 670, ante*)

Gaming Machines—Installation in Club—Section 17 of the Betting and Gaming Act, 1960.

Q. A client of ours wishes to know the legal position about the installation of "fruit machines" in a club. The club in contemplation is a normal membership club and, in fact, it is believed to be a yacht club. Can you help us?

A. "Fruit machines" may be used in premises to which the public, whether on payment or otherwise, do not have access, or which are not used wholly or mainly by persons under the age of eighteen years, if the conditions set out in s. 17 (2) of the Betting and Gaming Act, 1960, are satisfied. As will be seen, these conditions require, *inter alia*, that all stakes hazarded which are not applied in the payment of winnings to a player must be devoted to "purposes other than private gain." In view of the decision of the House of Lords in *Payne and Others* v. *Bradley*, p. 566, *ante*, it would seem that such stakes cannot be paid into club funds but must be devoted to charitable or "semi-charitable" purposes.

Gaming Machines—Applying Stakes for "Private Gain"—Section 17 of the Betting and Gaming Act, 1960

Q. We act for the owner of a proprietary club in which it is proposed to install two fruit machines or "one-armed bandits." Among the conditions for installing such a machine under s. 17 (2) of the Betting and Gaming Act, 1960, is the following: "That all stakes hazarded are applied either in the payment of winnings to a player of the game or for purposes other than private gain." Our clients wish to use part of the stakes for the benefit of the members, i.e., possibly to reduce the subsisting subscription to the club or to provide now and again a free cocktail party. If they did this would they be applying the stakes for "private gain"?

A. In view of the decision of the House of Lords in *Payne and Others* v. *Bradley*, p. 566, *ante*, it would seem to be impossible to contend that your clients would be applying the stakes other than for "private gain." They must be applied for charitable (see *Bow* v. *Heatley* 1960 S.L.T. 311) or "semi-charitable" (per Lord Guest in *Payne and Others* v. *Bradley*, *supra*) purposes.

"Bingo"—Organised by "Keep-Fit" Class to Provide Agility Equipment—Section 16 of the Betting and Gaming Act, 1960.

Q. We act for a religious organisation which, apart from its religious activities, also runs very many social and cultural activities of general interest to its members. The committee of members responsible for arranging the social activities have recently started to run a "Keep-fit" class every week. The committee are now proposing, provided that it is not unlawful, to raise money for the purchase of agility equipment by holding a "Bingo" session. It is intended to charge members for entry and for the right to play the game for the whole evening. Prizes will be in kind and not cash prizes and will be donated by members and partly purchased out of the proceeds of the entrance fees. The remainder of the entrance fees will be used for the aforementioned purpose. The game can certainly be restricted to members of the organisation. In view of Pt. II of the Betting and Gaming Act, 1960, and s. 24 of the Betting and Lotteries Act, 1934, and the recent decision in *Payne and Others* v. *Bradley*, is it considered that a function of the type proposed would contravene the law?

A. In our view, your clients have no alternative but to conduct "Bingo" sessions in accordance with s. 16 of the Betting and Gaming Act, 1960. It is true that money put down as stakes would have to be paid out as winnings (ibid., s. 16 (1) (*b*)), but the committee would be able to retain "a fixed sum of money determined before the gaming began" (ibid., s. 16 (7) (*b*)), i.e., the entrance fees. Such gaming would have to be confined to members of the organisation and bona fide guests of such members (ibid., s. 16 (7) (*c*)). It seems that the committee cannot take advantage of s. 24 of the Betting and Lotteries Act, 1934, because "Bingo" constitutes gaming (s. 21 (3), (4) of the Act of 1960; see also *Pearse and Others* v. *Hart* [1955] 1 W.L.R. 67n) and the proposed "Bingo" would not be allowed by s. 20 of the 1960 Act because the proceeds would not be devoted to "purposes other than private gain": *Payne and Others* v. *Bradley* p. 566, *ante*; see also *Inland Revenue Commissioners* v. *Baddeley* [1955] 2 W.L.R. 552.

"Bingo"—Organising by Members' Club—Part of Stakes Going to General Club Funds—Section 20 of the Betting and Gaming Act, 1960.

Q. We act for a members' club who wish to play "Bingo" once a week and on each house to pay out 75 per cent. of the money staked in prizes, the remaining 25 per cent. going into the general club funds. Would this be "for purposes other than private gain" within the meaning of s. 20 of the Betting and Gaming Act, 1960, and s. 4 (1) of the Small Lotteries and Gaming Act, 1956?

A. In view of the decision of the House of Lords in *Payne and Others* v. *Bradley*, p. 566, *ante*, we think it would be very difficult to contend that the proceeds of the proposed "Bingo" would be applied "for purposes other than private gain." See "The New Law of Betting and Gaming," by Eddy and Loewe, pp. 107–8, where the present position with regard to gaming at entertainments not held for private gain is discussed.

"Bingo"—Advertising in Newspapers.

Q. We act on behalf of a newspaper firm who have received a request to include in their newspaper advertisements for "Bingo" games and other similar lotteries. We have advised them that under the 1956 Act the lotteries permitted under that Act are subject to the conditions in s. 1, which prohibits public advertisements. We have also advised that private members' lotteries not open to the public are subject to a similar provision preventing the lottery being advertised. We are of the opinion that an entertainment at which a lawful lottery is merely one of the attractions (for example, a church bazaar) could be lawfully advertised in the newspaper. We should be obliged if you would confirm that the above points are correct. Advertisements are now appearing in competing newspapers for "Bingo" sessions which are being held in a local cinema. Are there any circumstances, and if so what, under which the lottery of the nature of a "Bingo" session can be advertised to the public in the Press? We can find no authoritive ruling on this point, although from the provisions relating to private members' lotteries and lotteries conducted under s. 1 of the 1956 Small Lotteries and Gaming Act we feel that it is intended that lotteries should not be advertised publicly. We should be pleased to have your views on this point. As regards small gaming parties referred to in s. 4 of the 1956 Act, do you consider that lotteries falling within this section are exempt from the provisions of s. 1 of the said Act?

A. Section 22 (1) of the Betting and Lotteries Act, 1934, prohibits the advertising of "any lottery promoted or proposed to be promoted either in Great Britain or elsewhere," and this prohibition would seem to apply to a lottery promoted in accordance with s. 4 of the Small Lotteries and Gaming Act, 1956. However, advertisements relating to lotteries promoted under s. 23 of the 1934 Act and ss. 23, 24 and 25 of the Betting and Gaming Act, 1960, are not prohibited, although lotteries promoted under s. 1 of the 1956 Act must comply, *inter alia*, with the provisions of s. 1 (2) (*h*) of that Act. With regard to "Bingo," and similar games of chance, they are exempt from the prohibitions contained in s. 22 (1) of the 1934 Act if played in conformity with Pt. II of the 1960 Act (ibid., s. 21 (1)), and Pt. II of the 1960 Act contains no restrictions on advertising.

REGISTER OF
AUCTIONEERS, VALUERS, SURVEYORS, LAND AND ESTATE AGENTS

LONDON

CITY OF LONDON

BRIGHTWELL & MADDOCK, 29 Ludgate Hill, E.C.4. Tel. CITy 1962/6781.

CHAMBERLAIN & WILLOWS, 23 Moorgate and 58 Coleman Street, E.C.2. Tel. METropolitan 8001 (10 lines).

DEBENHAM, TEWSON & CHINNOCKS, 8 Telegraph Street, Moorgate, E.C.2. Tel. Monarch 5962 (Private branch exchange).

DOUGLAS YOUNG & CO., 12 Coleman Street, E.C.2. Est. 1868. Tel. MON 9378 and at Clapham, S.W.9.

DRON & WRIGHT, 17 Coleman Street, Moorgate, E.C.2. Tel. MONarch 6946 (PBX).

FULLER, HORSEY, SONS & CASSELL. Surveyors, Valuers and Auctioneers of Industrial Premises, Plant and Machinery. 10 Lloyds Avenue, E.C.3. ROY 4861. Established 1807.

GOOCH & WAGSTAFF, Chartered Surveyors, 3 & 4 Old Jewry, E.C.2. Tel. Metropolitan 9444.

HICKLENTON & PHILLIPS, Specialists in Valuation of Jewels and Silver for probate or purchase, 90 Cheapside, E.C.2. METropolitan 8441.

HORNE & CO. (Founded 1795), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 9 Ironmonger Lane, E.C.2. METropolitan 8105 (3 lines).

KING & CO., Chartered Surveyors, 71 Bishopsgate, E.C.2. Tel. LONdon Wall 7201 (6 lines). See also North London.

MARK LIELL & SON, Chartered Surveyors, 9-13 Crutched Friars, E.C.3. Telephone ROYal 5454. And East London.

MATTHEWS & GOODMAN, Chartered Surveyors, 35 Bucklersbury, E.C.4. Tel. CITy 5627.

MOORE, C. C. & T., Chartered Surveyors, 13 Lime Street, E.C.3 (Established 1820). Tel. MAN 0335/7.

RICHARD ELLIS & SON, Chartered Surveyors, 165 Fenchurch Street, E.C.3. Est. 1773. Tel. MINcing Lane 4272.

ST. QUINTIN, SON & STANLEY, Chartered Surveyors, 149 Leadenhall Street, E.C.3. Est. 1830. Tel. AVEnue 6055.

TOPLIS & HARDING & FINDLAY, 13/14 Union Court, Old Broad Street, E.C.2. Tel. LONdon Wall 7071.

HAROLD WILLIAMS & PARTNERS, Chartered Surveyors, Valuers, Chartered Auctioneers and Estate Agents, Temple Chambers, Temple Avenue, E.C.4. Tel. Ludgate Circus 9288. And at 80 High Street, Croydon. Tel. Croydon 1931.

NORTH LONDON

ALFRED SLINN & CO. (Est. 1889), Muswell Hill Broadway, N.10. Tel. TUD 0091 (5 lines).

BARBER & MOORE, F.A.L.P.A., 26 Stoke Newington Road, N.16. Tel. CLissold 2143/4.

BATTY & STEVENS, 269 Archway Road, Highgate, N.6. Tel. MOU 3424/5. Also at Muswell Hill, Finchley and Barnet, Herts.

KING & CO., Chartered Surveyors, 725 Green Lanes, N.21. Tel. LABurnum 6633 (5 lines). See also City of London.

J. MAUNDER TAYLOR, Chartered Surveyor, Chartered Auctioneer and Estate Agent. 1318 High Road, N.20. Tel. HILside 2377/7217.

NEWBON & SHEPHARD, Auctioneers, Surveyors and Estate Agents, 274/5 Upper Street, Islington, N.1. Tel. CANonbury 1800.

PERRY & SEYMOUR, Surveyors, Valuers and Estate Agents, 6 Stoke Newington Road, N.16. Tel. CLissold 6611/2.

H. PUTT & SONS, Chartered Surveyors, 580 Green Lanes, London, N.8. Tel. STA 3750. Valuations for Probate and Compulsory Acquisition. Urban Estate Managers.

STURT & TIVENDALE, Chartered Surveyors, 1261 High Road, Whetstone, N.20. HIL 3331/2 and at Highgate, N.6, and Muswell Hill, N.10.

WARD, SAUNDERS & CO., 296/299 Upper Street, Islington, N.1. Tel. Can 2487/8/9.

NORTH-EAST LONDON

H. EDELMAN & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors, Valuers, 172 Clapton Common, E.5. STA 0036.

WM. STEVENS & SON, 5 Dalston Lane, E.8. Auctioneers and Surveyors. Est. 1869. Tel. Clissold 1802. Also at Brondesbury, N.W.6, and Edgware.

NORTH-WEST LONDON

ANDREWS, PHILIP & CO., F.R.I.C.S., Chartered Surveyors, 275 Willesden Lane, N.W.2. Tel. WILlesden 2236/8.

NORTH-WEST LONDON (*continued*)

ANSCOMBE & RINGLAND, G. B. Slater, W. Andrews, J. G. Slater, Chartered Surveyors, Auctioneers and Estate Agents, 8 Wellington Road, N.W.8. Tel. PRI 7116.

BENNETT & CO., Surveyors, Valuers, Auctioneers, 167 Cricklewood Broadway, N.W.2. Tel. GLAdstone 6666 and 7871 (6 lines).

CAMERONS (Est. 1908), Estate Agents and Valuers 90 Walm Lane, N.W.2. Tel. WIL 0091.

T. B. WESTACOTT & SONS, Surveyors, Valuers and Auctioneers, 74 Camden Road, N.W.1. Tel. GULliver 3331/2.

SOUTH-EAST LONDON

BLAKE & DANNATT (Est. 1875), Chartered Surveyors, R. S. Jackson, F.R.I.C.S., F.A.I., George Dannatt, F.R.I.C.S., F.A.I., 18 Nelson Road, S.E.10. Tel. GREenwich 0593/0560.

EASTMAN BROS., Estate Agents & Valuers, 280 Kirkdale, S.E.26. Tel. SYD 6601.

FURLONG (H. J.) & SONS, Surveyors, Auctioneers and Valuers, 1 Woolwich New Road, Woolwich, S.E.18. Tel. 1467/8. And at Eltham, S.E.9, and branches.

HUMPHREYS, SKITT & CO. (Est. 1793), 205 Greenwich High Road, S.E.10. GRE 1102/3.

NOYS & HOWES, F.A.L.P.A., 4 Sydenham Road, S.E.26, and 137 Anerley Road, S.E.20. Tel. Syd. 5173, 6293, and 4742.

PEARSONS, Chartered Surveyors, 189/191 Stanstead Road, Forest Hill, S.E.23. Tel. FOR 1133/6.

VICTOR W. HINDWOOD & CO., Auctioneers and Surveyors, 37 Charlton Church Lane, S.E.7. Tel. GREenwich 1144/5/6. Blackheath Village, S.E.3. Tel. LEE 3747. And Branches.

SOUTH-WEST LONDON

ACLAND & CO., Estate Agents, Surveyors and Valuers. Rents collected. 193 New King's Road, S.W.6. Tel. REN 1368/9 & 2317. Also at Richmond, Surrey (q.v.).

ANLEY & CO., Auctioneers and Surveyors, 853 Fulham Road, S.W.6. REN 2383/5.

GEORGE BELBIN & CO., Chartered Surveyors and Valuers, 1 Knightsbridge Green, S.W.1. Tel. KNightsbridge 8846/8.

CALLOW & CO. (Estab. 1845), 1 Leigham Court Road, Streatham, S.W.16. Tel STR 0185/6 & STR 5252.

EDWIN EVANS & SONS (Est. 1880), Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 251 & 253 Lavender Hill, Clapham Junction, S.W.11. Tel. BAT 0051 (4 lines). And at Morden, Surrey. Tel. MIT 2281.

FINCH & CO., F.R.I.C.S., F.A.I., 187 Kingston Road, Wimbledon. Tel. LIB 3345. And Clapham, S.W.4.

JOHN FOORD & CO., 56 Victoria Street, S.W.1. Tel VIC 2002/4. Industrial Valuers, Buildings, Plant & Machinery.

W. HALLETT & CO. (Est. 1869), Surveyors, Valuers and Estate Managers (L. J. Nixon, A.R.I.C.S., Chartered Surveyor, A. R. Nixon, A.A.L.P.A.), 6 Royal Parade, Kew Gardens, Richmond. Tel. RICHmond 1034 and 5950.

C. ERNEST MANEY, F.A.I., F.V.I., 1 Cavendish Parade, South Side, Clapham, S.W.4. Tul 4414.

RAYNERS, Property Managers, 30 Upper Richmond Road, Putney, S.W.15. Tel. VANdyke 1000/3166/4242.

TAYLOR, A. W., & CO., Chartered Surveyors, Valuers, Auctioneers and Estate Agents, 159 Putney High Street, S.W.15. Tel. Putney 0034 (3 lines). Est. 1883.

WATSON & EWEN (Est. 1896), 366 Streatham High Road, S.W.16 (F.R.I.C.S., F.A.I.). Tel. Streatham 0232 and 4788.

WILLIAM WILLETT ESTATE AGENTS LTD., Sloane Square, S.W.1. Tel. Sloane 8141. And at 146 Gloucester Road, S.W.7. Tel. Frobisher 2238.

YORK & JONES. Office & Business Premises Specialists, 11 Palmer Street S.W.1. Tel. ABB 1181/4.

EAST LONDON

ANSTEYS (Est. 1878), Chartered Surveyors, Auctioneers and Valuers, 511 Barking Road, Plaistow, E.13. Tel. Grangewood 0308.

H. J. BLISS & SONS (Est. 1816), 162/4 Bethnal Green Road, E.2. Tel. BIS 4818/9.

BROWN & EWIN, Chartered Auctioneers and Estate Agents, 218 East India Dock Road, E.14. Tel. East 3872.

EAST LONDON (*continued*)

CLARKSON & PARTNERS, Chartered Surveyors and Estate Agents, 223 East India Dock Road, E.14. Tel. EASt 1897/8. And at 23 Billiter Street, E.C.3. Tel. ROYal 1006/7.

MOORE, C. C. & T., Chartered Surveyors, 33 Mile End Road, E.1. City Office; 13 Lime Street, E.C.3. Tel. MAN 0335/7.

TAYLOR, LOCKHART & LAING, Auctioneers, Surveyors and Estate Managers, Est. 130 years. (S. S. Lockhart, F.A.L.P.A., J. W. Lockhart, A.R.I.C.S., A.A.I., R. A. Lang, A.R.I.C.S., M.R.S.H.), 230/232 Whitechapel Road, E.1. BIShopsgate 7378 and at 95 Park Lane, W.1.

WEST-CENTRAL LONDON

BAILEY & WOODBRIDGE, 9 Great Russell Street, W.C.1 Tel.: MUSeum 2624. Estate Agents, Surveyors, Investment Specialists.

BUCKLAND & SONS, 4 Bloomsbury Square, W.C.1. Tel. HOL 0013/4. Also at Windsor, Slough and Reading.

SAVILL, ALFRED & SONS, Chartered Surveyors, Land and Estate Agents, Valuers and Auctioneers, 51a Lincoln's Inn Fields, W.C.2. Tel. HOLborn 8741/9. Also at Chelmsford, Guildford, Norwich, Wimborne and Woking.

E. A. SHAW & PARTNERS (Est. 1899). Surveyors and Valuers, 19 and 20 Bow Street, W.C.2. Tel. COV 2255.

WEST END LONDON

BEECROFT SONS & NICHOLSON—H. C. H. Beecroft, P. R. Beecroft, F.R.I.C.S., F.A.I., Valuers, Surveyors and Assessors, 32a Weymouth Street, W.1. Tel. LAN 6721 (4 lines).

DOUGLAS KERSHAW & CO., Chartered Auctioneers and Estate Agents, Valuers, 20 Brook Street, W.1. Tel. MAYfair 4928 and 3404.

DOUGLAS YOUNG & CO., 1 Dover Street, W.1. Tel. HYD 6441 and at E.C.2.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, S.W.1. Tel. TRAfalgar 4744.

FOLKARD & HAYWARD, 115 Baker Street, W.1. Tel. WELbeck 8181.

HERRING, SON & DAW (incorporating Arthur P. Bourdas), Rating Surveyors, Valuers and Town Planning Consultants, 23 St. James's Square, S.W.1. Tel. TRAfalgar 4121.

MAPLE & CO., LTD., Estate Offices, 5 Grafton Street, Bond Street, W.1. Tel. HYDe Park 4685.

PERRY & BELL, Bell House, 175 Regent Street, W.1. Tel.: REGent 3333 (4 lines). Surveyors, Valuers, Estate Agents and Auctioneers.

WEST LONDON

ALLEN & NORRIS, LTD., Estate Agents, Valuers and Surveyors, 190 Fulham Palace Road, W.6. Tel. Ful 7817/8/9.

ATHAWES, SON & CO., F.A.I. (Est. 1871), Chartered Auctioneers & Estate Agents, Valuers, Surveyors and Estate Managers, Acton, W.3. (ACOrn 0056/7/8.)

BEALE & CAPPS, Chartered Auctioneers, Surveyors, Valuers, 126 Ladbroke Grove, W.10. Tel. PAR 5671.

CHESTERTON & SONS, Chartered Surveyors, Auctioneers and Estate Agents, 116 Kensington High Street, W.8. Tel. Western 1234.

COLE, HICKS & CHILVERS, Surveyors, etc., Helena Chambers, 42 The Broadway, Ealing, W.5. Tel. Eal 4014/5.

COOKES & BURRELL, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, West Kensington, W.14. Tel. FULham 7665-6.

FARNHAM & COIGLEY, Chartered Surveyors and Estate Agents, 9 Kensington Church Street, W.8. Tel WEStern 0042.

FLOOD & SONS, Chartered Auctioneers and Estate Agents, 8 Westbourne Grove, W.2. Tel. BAY 0803.

TIPPING & CO., Surveyors, Estate Agents and Valuers, 56 Queensway, W.2. Tel. BAY 6686 (4 lines).

GEO. WESTON, F.A.I., Auctioneers, Estate Agents Valuers, Surveyors, 10 Sutherland Avenue, Paddington, W.9. Tel. Cun 7217 (3 lines).

LONDON SUBURBS

Barnes, East Sheen and Roehampton.—RODNEY SCOTT & CO. (F. G. Porter, F.A.I.), 121 Church Road, Barnes, S.W.13. RIV 2641 (3 lines). And East Sheen.

Battersea, Clapham Junction, Tooting, Southfields.—RAYNERS (Neville Raner, J.P., F.V.I., F.R.V.A.; L. S. E. Pegler, A.R.I.C.S., A.A.I.), 205 Lavender Hill, S.W.11. Tel. BATtersea 8686. Four Offices.

Blackheath and Sidcup.—DYER SON & CREASEY, Chartered Surveyors, 22 Tranquil Vale, S.E.3, and 111 Station Road, Sidcup.

Brentford (for West London and West Middlesex).—LINNEY, MATTHEWS & CO. (C. A. Naylor, F.A.I., F.A.L.P.A., F.V.I.), Chartered Auctioneers and Estate Agents, Valuers, 112 High Street, Brentford. Tel. ISLeworth 5277/8.

Chiswick and Bedford Park.—TYSER, GREENWOOD & CO., 386 High Road. H. Norman Harding, F.R.I.C.S., F.A.I., Ernest J. Griffen, F.A.I., G. S. Bradley, F.A.I., Est. 1873. Tel. Chiswick 7022/3/4.

(*Continued on p. xviii*)

Ealing, Ealing Common and District.—JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, adj. Ealing Common Station, W.5. Tel. ACO 5006 (3 lines).

East Ham.—HAMLETTS (LEWIS J. HAMLETT, F.R.I.C.S.), 764 Barking Road, Plaistow, E.13, Surveyors and Estate Agents. Est. 1893. Tel. Grangewood 0546.

East Sheen, Barnes and Richmond.—C. & E. MELVILLE (John A. Knowlton, F.R.I.C.S.), 233 Upper Richmond Road West, East Sheen, S.W.14. Tel. PROspect 1021/2/3.

REGISTER OF
Auctioneers, Valuers, Surveyors, Land and Estate Agents

Edgware.—E. J. T. NEAL, F.R.I.C.S., F.A.I., 39 Station Road. Tel. EDG 0123/4.

Finchley.—E. C. LLOYD, 336 Regents Park Road, N.3. Tel. Finchley 6246/7.

Finchley and Barnet.—SPARROW & SON, Auctioneers, Surveyors and Valuers, 315 Ballards Lane, N.12. Est. 1874. Tel. HIL 5252/3.

Hammersmith.—MORTON & WATERS, 310 King Street. Valuations, Survey. Estates Managed. Tel. Riverside 1080 and 4567.

Harrow.—E. BECKETT, F.A.I., Surveyor, Chartered Auctioneer and Estate Agent, 7 College Road, Harrow. Tel. Harrow 5216. And at Sudbury, Wembley, North Harrow and Moor Park, Northwood.

Harrow.—P. N. DEWE & CO. (P. N. Dewe, F.A.L.P.A., J. Ferrari, F.R.I.C.S., F.A.I., M.R.San.I., J. Cosgrave, A.R.I.C.S., A.M.I.Struct.E.), 42 College Road. Tel.4288/90 Associated offices at Hillingdon. Established 1925.

Hendon and Colindale.—HOWARD & MANNING (G. E. Manning, F.A.L.P.A., F.V.I.), Auctioneers, Surveyors and Valuers, 218 The Broadway, West Hendon, N.W.9. Tel. Hendon 7686/8, and at Northwood Hills, Middx. Tel. Northwood 2215/6.

Hendon.—DOUGLAS MARTIN & PARTNERS, LTD. —Douglas Martin, F.A.L.P.A., F.V.A.; Bernard Rosch, F.A.L.P.A.; Jeffrey Lorenz, F.V.A.; John Sanders, F.V.A.; Alan Pritchard, A.V.A., Auctioneers, Surveyors, etc., Hendon Central Tube Station, N.W.4. Tel. HEN 6333.

Hendon.—M. E. NEAL & SON, 102 Brent Street, N.W.4. Tel. Hendon 6123. Established 1919.

Ilford.—RANDALLS, Chartered Surveyors and Auctioneers (established 1884), 67 Cranbrook Road. Tel. VALentine 6272 (10 lines).

Leyton.—HAROLD E. LEVI & CO., F.A.L.P.A., Auctioneers and Surveyors, 760 Lea Bridge Road, Leyton, E.17. Tel. Leytonstone 4423/4424.

Leyton and Leytonstone.—R. CHEKE & CO., 252 High Road, E.10. Tel. Leytonstone 7733/4.

Leytonstone.—COMPTON GUY, Est. 1899, Auctioneers, Surveyors and Valuers, 55 Harrington Road. Tel. Ley 1123. And at 1 Cambridge Park, Wanstead. Tel. Wan 5148; 13 The Broadway, Woodford Green. Tel. Buc 0464.

Leytonstone.—PETTY, SON & PRESTWICH, F.A.I., Chartered Auctioneers and Estate Agents, 682 High Road, Leytonstone, E.11. Tel. LEY 1194/5, and at Wanstead and South Woodford.

Mill Hill.—COSWAY ESTATE OFFICES, 135/7 The Broadway, N.W.7. Tel. Mill Hill 2422/3422/2204.

Norbury.—DOUGLAS GRAHAM & CO., Estate Agents, Property Managers, 1364 London Road, S.W.16. Tel. POL 1313/1690. And at Thornton Heath, Sutton and Piccadilly, W.1.

Putney.—QUINTON & CO., F.A.I., Surveyors, Chartered Auctioneers and Estate Agents, 153 Upper Richmond Road, S.W.15. Tel. Putney 6249/6617.

South Norwood.—R. L. COURCIER, Estate Agent, Surveyor, Valuer, 4 and 6 Station Road, S.E.25. Tel. LIVingstone 3737.

Tottenham.—HILLYER & HILLYER (A. Murphy, F.A.I., F.V.A.), Auctioneers, Surveyors, Valuers and Estate Managers, 270/2 West Green Road, N.15. Tel. BOW 3464 (3 lines).

Walthamstow and Chingford.—EDWARD CULFF & CO., F.A.L.P.A., Auctioneers and Surveyors and Estate Agents, 92 St. Mary Road, Walthamstow, E.17. Tel. COPpermill 3391. Specialists in Property Management.

Wandsworth (Borough of), Battersea and S.W. Area.—MORETON RICHES, Surveyor, Auctioneer and Valuer, House and Estate Agent, 92 East Hill, Wandsworth, S.W.18. Tel. VANdyke 4166/4167.

Wood Green.—WOOD & LOACH, Chartered Auctioneers and Estate Agents, Surveyors and Valuers. 723 Lordship Lane, N.22 (adjacent Eastern National Bus Station, close to Wood Green Tube Station). Tel. Bowes Park 1632.

PROVINCIAL

BEDFORDSHIRE

Bedford.—J. R. EVE & SON, 40 Mill Street, Chartered Surveyors, Land Agents, Auctioneers and Valuers. Tel. 67301/2.

Bedford.—ROBINSON & HALL, 15a St. Paul's Square, Chartered Surveyors. Tel. 2201/2/3.

Luton.—RICHARDSON & STILLMAN, Chartered Auctioneers and Estate Agents, 30 Alma Street, Tel. Luton 6492/3.

BERKSHIRE

Abingdon, Wantage and Didcot.—ADKIN, BELCHER & BOWEN, Auctioneers, Valuers and Estate Agents. Tel. Nos. Abingdon 1078/9. Wantage 48. Didcot 3197.

Bracknell.—HUNTON & SON, Est. 1870. Auctioneers and Estate Agents, Valuers. Tel. 23.

County of Berkshire.—TUFNELL & PARTNERS, Auctioneers, Valuers and Surveyors, Sunninghill (Ascot 1666), Windsor (Windsor 1) and Streatley (Goring 45).

Didcot and District.—E. P. MESSENGER & SON, Chartered Auctioneers and Estate Agents, etc., The Broadway. Tel. Didcot 2079.

Faringdon.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Faringdon 2113.

Maidenhead.—L. DUDLEY CLIFTON & SON, Chartered Auctioneers and Estate Agents, Surveyors and Valuers, 32 Queen Street. Tel. 62 and 577 (4 lines).

Maidenhead, Windsor and Sunningdale.—GIDDY & GIDDY, Tel. Nos. Maidenhead 53, Windsor 73, Ascot 73.

Newbury.—DAY, SHERGOLD & HERBERT, F.A.I., Est. 1889. Chartered Auctioneers and Estate Agents, Market Place, Newbury. Tel. Newbury 775.

Newbury.—DREWEATT, WATSON & BARTON. Est. 1759. Chartered Auctioneers, Estate Agents and Valuers, Market Place. Tel. 1.

Newbury.—C. G. FOWLIE, F.R.I.C.S., F.A.I., Chartered Surveyor, 16 Bartholomew Street. Tel. 761 (2 lines).

Newbury and Hungerford.—A. W. NEATE & SONS. Est. 1876. Agricultural Valuers, Auctioneers, House and Estate Agents. Tel. Newbury 304 and 1620. Hungerford 8.

Reading.—HASLAM & SON, Chartered Surveyors and Valuers, Friar Street, Chambers. Tel. 54271/2.

Windsor and Reading.—BUCKLAND & SONS, High Street, Windsor. Tel. 48. And 154 Friar Street, Reading. Tel. 51370. Also at Slough and London, W.C.

BUCKINGHAMSHIRE

Amersham and The Chalfonts.—SWANNELL & SLY, Hill Avenue, Amersham. Tel. 73. Valuers, Auctioneers, etc.

Amersham, Chesham and Great Missenden.—HOWARD, SON & GOOCH, Auctioneers, Surveyors, and Estate Agents, Oakfield Corner, Amersham (Tel. 1430), and at Chesham 8097 and Great Missenden 2194.

Aylesbury.—PERCY BLACK & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 18 Market Square. Tel. 4661/3.

Aylesbury.—W. BROWN & CO., 2 Church Street. Tel. 4706/7. Urban and Agricultural practice.

Aylesbury.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 2a & 4 Temple Square. Tel. 4633/4.

Beaconsfield.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents. Opposite the Post Office. Tel. 1290/1.

Farnham Common, Nr. Slough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, The Broadway. Tel. 1062/3.

High Wycombe.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, 30 High Street. Tel. 2576/9.

BUCKINGHAMSHIRE (*continued*)

High Wycombe and South Bucks.—HUNT & NASH, Chartered Surveyors and Auctioneers, 15 Crendon Street. Tel. 884/5 (and at Slough).

High Wycombe and South Bucks.—H. MORCOM JONES & CO., F.A.I., Chartered Auctioneers, 86 Easton Street. Tel. 1404/5.

North Bucks.—WOODHOUSE NEALE, SONS & CO. Estate Agents and Valuers, Estate Offices, Bletchley. Tel. 2201/2.

Princes Risborough.—HAMNETT, RAFFETY & CO., Chartered Surveyors, Auctioneers and Estate Agents, High Street. Tel. 744/5.

Slough.—EDWARD & CHARLES BOWYER, Chartered Surveyors, 15 Curzon Street. Tel. Slough 20321/2.

Slough.—BUCKLAND & SONS, 26 Mackenzie St. Tel. 21307. Also at Windsor, Reading and London, W.C.1.

Slough.—HOUSEMANS, Estate and Property Managers, Surveyors, Valuers, House, Land and Estate Agents. Mortgage and Insurance Brokers, 46 Windsor Road. Tel. 25496. Also at Ashford, Middlesex.

Slough.—HUNT & NASH, Chartered Surveyors, 7 Mackenzie Street, Slough. Tel. 23295 (3 lines), also at High Wycombe.

Slough and Gerrards Cross.—GIDDY & GIDDY. Tel. Nos. Slough 23379, Gerrards Cross 3987.

CAMBRIDGESHIRE

Cambridge.—HOCKEY & SON (Est. 1885). Auctioneers and Surveyors, 8 Benet Street. Tel. 59455/6.

Cambridge and County.—WESTLEY & HUFF, Auctioneers, Surveyors and Valuers, 10 Hills Road, Cambridge. Tel. 55665/6.

CHESHIRE

Altrincham.—STUART MURRAY & CO., Auctioneers, etc., 8 The Downs. Tel. 2302/3. And at Manchester.

Birkenhead.—SMITH & SONS (Est. 1840), Auctioneers, Valuers. BIRKENHEAD (Tel. 1590); and at Liverpool.

Birkenhead and Wirral.—JAMES HARLAND & CO., Chartered Auctioneers, Chartered Surveyors and Estate Agents, Valuers, 46 Church Road, Birkenhead. Tel. 1597 (3 lines).

Chester.—BERESFORD, ADAMS & SON. (Est. 1899.) Auctioneers, Valuers and Surveyors, 22 Newgate Street. Tel. No. 23401.

Chester.—BROWNS OF CHESTER, LTD., Auctioneers, Valuers and Estate Agents, 103 Foregate Street. Tel. Chester 21495/6.

Chester.—HARPER, WEBB & CO. (Incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. Chester 20685.

Chester.—SWETENHAM, WHITEHOUSE & CO., Auctioneers, Estate Agents, Surveyors, Valuers, 5 St. Werburgh Street. Tel. 20422.

Congleton.—LOUIS TAYLOR & SONS, F.A.I., Chartered Auctioneers and Estate Agents, 21 High Street. Tel. 91.

Congleton.—W. J. WHITTAKER & CO., Incorporated Auctioneers, Valuers and Estate Agents, Congleton, Cheshire. Tel. 241.

Crewe.—HENRY MANLEY & SONS, LTD., Auctioneers & Valuers, Crewe (Tel. 4301) & Branches.

Macclesfield.—BROCKLEHURST & CO., Auctioneers, Valuers, Estate Agents, King Edward Street. Tel. 2183.

Nantwich, Northwich, Winsford & Tarporley.—JOSEPH WRIGHT, Auctioneers, Valuers and Estate Agents, 1 Hospital Street, Nantwich. Tel. 65410.

Northwich.—MARSH & SON, Auctioneers, Valuers, Estate Agents, 4 Bull Ring. Tel. 2216.

Stockport.—HOPWOOD & SON (Est. 1835), Chartered Auctioneers, Valuers, Estate Agents, 69 Wellington Road South. Tel. STO 2123.

CORNWALL

County of Cornwall.—JOHN JULIAN & CO., LTD. Established 1836. Auctioneers, Valuers, Estate Agents. Offices at Newquay, Truro, Falmouth and Wadebridge.

CORNWALL (*continued*)

County of Cornwall.—RUSSELL & HAMLEY, F.A.I. (C. J. HAMLEY, F.A.I., A. W. Russell, F.A.I.), 31 Town End, Bodmin. Tel. 346.

Falmouth.—R. E. PRIOR, F.R.I.C.S., F.A.I., Chartered Surveyor and Auctioneer, 3 Market Street, Falmouth. Tel. 1224.

Mid-Cornwall.—S. A. WILSON, F.V.I., St. Austell. Tel. 743 (day and night). Valuer, Business and House Agent.

Penzance, St. Ives, West Cornwall and Isles of Scilly.—W. H. LANE & SON, F.A.L.P.A. The Estate Offices, Morrab Road, Penzance. Tel. Penzance 2286/7.

Redruth.—A. PEARSE JENKIN & PARTNERS. Est. 1760. Auctioneers, Surveyors and Valuers, Alma Place.

St. Austell and Looe.—LAMPSHIRE & NANCOLLAS, Chartered Auctioneers and Estate Agents. St. Austell 3254/5. Looe 309.

St. Austell, Lostwithiel and Liskeard.—ROWSE, JEFFERY & WATKINS, Auctioneers, Valuers, Surveyors and Estate Agents. St. Austell 3483/4. Lostwithiel 451 and 245. Liskeard 2400.

Truro, Mid and West Cornwall.—R. G. MILLER & CO., Auctioneers, Valuers and Estate Agents. Established 1934. R. G. Miller, F.V.I., A. I. Miller, A.A.I., 6 King Street. (Phone Truro 2503.)

DERBYSHIRE

Derby.—ALLEN & FARQUHAR, Chartered Auctioneers and Estate Agents, Derwent House, 39 Full Street. Tel. Derby 45645 (3 lines).

DEVONSHIRE

Axminster.—25-mile radius.—TAYLOR & CO., Auctioneers, Valuers, Surveyors, Estate Agents. Tel. 2323/4.

Axminster, East Devon, South Somerset and West Dorset Districts.—R. & C. SNELL, Chartered Auctioneers, Estate Agents, Valuers and Surveyors, Axminster (Devon), Chard (Somerset) and Bridport (Dorset).

Barnstaple and N. Devon.—BRIGHTON GAY, F.A.L.P.A., Surveyors, Valuers, Auctioneers, Joy Street, Barnstaple. Tel. 4131.

Barnstaple and N. Devon.—J. GORDON VICK, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer. Tel. 4388.

Bideford and North Devon.—R. BLACKMORE & SONS, Chartered Auctioneers and Valuers. Tel. 1133/1134.

Bideford and North Devon.—A. C. HOOPER & CO., Estate Agents and Valuers. Tel. 708.

Brixham and Torbay.—FRED PARKES, F.A.L.P.A., Estate Agent, Auctioneer and Valuer, 15 Bolton Street. Tel. 2036.

Devon and Exeter.—GUY MICHELMORE & CO. Norwich Union House, Exeter. Tel. 76464/5.

Devon, Exeter and S.W. Counties.—RICKEARD, GREEN & MICHELMORE, Estate Agents, Auctioneers, Surveyors and Valuers, 82 Queen Street, Exeter. Tel. 74072 (2 lines).

Exeter.—RIPPON, BOSWELL & CO., Incorporated Auctioneers and Estate Agents, Valuers and Surveyors. Est. 1884. Tel. 59378 (3 lines).

Ilfracombe.—W. C. HUTCHINGS & CO., Incorporated Auctioneers, Valuers and Estate Agents. Est. 1887. Tel. 138.

Okehampton, Mid Devon.—J. GORDON VICK, Chartered Surveyor, Chartered Auctioneer. Tel. 22.

Paignton, Torbay and South Devon.—TUCKERS, Auctioneers and Surveyors, Paignton. Tel. 59024.

Plymouth.—D. WARD & SON, Chartered Surveyors, Land Agents, Auctioneers and Valuers. (Est. 1872.) 11 The Crescent, Plymouth. Tel. 66251/4.

Sidmouth.—POTBURY & SONS, LTD., Auctioneers, Estate Agents and Valuers. Tel. 14.

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Gaming—"FIXED SUM OF MONEY DETERMINED BEFORE THE GAMING BEGAN"—SECTION 16 (7) (*b*) OF THE BETTING AND GAMING ACT, 1960.

Q. Kindly let us know whether the sum of money referred to in s. 16 (7) (*b*) of the Betting and Gaming Act, 1960, can be an entrance fee to the hall or does this sum refer to a fee which has to be paid by a member or guest every time he takes part in a round of the game?

A. It seems to us that the words "a fixed sum of money determined before the gaming began" would include an entrance fee to the hall. However, it has been said that payments such as card money are exempted from the prohibition contained in s. 16 (1) (*c*) of the Betting and Gaming Act, 1960 ("Betting and Bookmaking," by J. T. Chenery, pp. 143 and 206, and "Shaw's Guide to the Betting and Gaming Act, 1960," by the Rt. Hon. Lord Meston, p. 36), but the chances in the game must be "equally favourable to all players" (ibid., s. 16 (1) (*a*)) and "gaming" means "the playing of a game of chance for winnings in money or money's worth" (ibid., s. 23 (1)). It appears to follow, therefore, that the amount of the payment must be fixed before the game (as opposed to a round of the game) is played.

Licensed Betting Office—ADVERTISING IN TRADE MAGAZINES—SECTION 5 (5) OF THE BETTING AND GAMING ACT, 1960.

Q. Clients of ours who publish and distribute trade magazines free of charge in return for the advertising rights have consulted us as to s. 5 (5) of the Betting and Gaming Act, 1960. They have been approached by bookmakers proposing to carry on licensed betting offices with a view to the publication, after the obtaining of the necessary licence, of the bookmaker's name and occupation but setting out in addition an address and telephone number of the licensed betting office. It is *not* proposed to describe the address as being a licensed betting office or indeed to add any further wording. We have taken the view that the advertisement will infringe s. 5 (5) since it will indirectly indicate where a licensed betting office is to be found. It seems to us that if it was not desired to indicate where the licensed betting office was to be found it would have been sufficient to publish either the bookmaker's name and telephone number alone or the name and telephone number and any other address not being a licensed betting office. Will the proposed advertisement, merely stating the address of the licensed betting office, in fact infringe the terms of s. 5 (5) of the Act?

A. In our view, it could be contended that the proposed advertisement would not infringe the terms of s. 5 (5) of the Betting and Gaming Act, 1960, as it would not indicate that the premises are a licensed betting office or where a licensed betting office is to be found, or draw attention to the availability of, or the facilities afforded by, a licensed betting office. There is no general restriction of the advertising of a bookmaker's business, but it is true that the proposed advertisement would "in fact give publicity to a licensed betting office": see Chenery's "Betting and Bookmaking," pp. 95–8. To remove all doubt, it would seem that the advertisement should refer to facilities for betting by telephone or post, if these facilities are in fact available: see "Shaw's Guide to the Betting and Gaming Act, 1960," p. 27.

NOTES AND NEWS

THE LAW SOCIETY'S EXAMINATION RESULTS

At the June Final Examination 314 candidates passed of 523 who entered. The Edmund Thomas Child Prize, value £25, and the John Mackrell Prize, value £50, have been awarded to Gerald Rothman.

At the June Intermediate Examination 283 candidates sat for the Law Portion, of whom 155 passed. Basil Aikens was placed in the first class. In the Trust Accounts and Book-keeping Portion 390 candidates sat, of whom 205 passed, five with distinction. The Herbert Ruse Prize, value £12, has been awarded to David Christopher Preston, M.A.

SUNDAY OBSERVANCE

The departmental committee reviewing the law (other than the Licensing Acts) on Sunday entertainments, sports, pastimes and trading in England and Wales has held its first meeting under the chairmanship of Lord Crathorne. Evidence from any organisations or persons with interests in the matter and any inquiries should be addressed to the Secretary (Miss M. Hornsby) at the Home Office, Whitehall, S.W.1.

PLANNING APPEALS

The report of the Ministry of Housing and Local Government for 1960 (Cmnd. 1435, H.M.S.O., 9s. 6d.) was published on 3rd August. It shows that the number of appeals made to the Minister under the Town and Country Planning Act, 1947, was 11,346, a far higher total than ever before. In 1958 and 1959 the figures were 7,499 and 8,857 respectively, so that in two years the intake of appeals has risen by over 50 per cent. During 1960, 6,714 appeals were decided and 3,321 were withdrawn, compared with 5,673 decided and 2,533 withdrawn in 1959. "Compensation for the compulsory purchase of land," says the report, "is now based on market value, but market value depends to a great extent on the planning permissions which exist or could be obtained for development of the land. Where no planning permission exists, an owner whose land is to be acquired can in certain circumstances obtain a certificate from the local planning authority stating that development might reasonably have been permitted on the land, if it had not been required for public purposes. Under s. 6 of the Town and Country Planning Act, 1959, an appeal can be made to the Minister against the authority's decision. Since the Act came into operation in August, 1959, 378 such appeals have been made, 354 of them during 1960. Decisions have been issued in 127 cases, all in 1960. Sixty-two were confirmed certificates; in the other decided cases, either the certificates were varied or new ones issued. Forty-five appeals were withdrawn." By the end of the year 117 appeals against enforcement notices served under the Caravan Sites and Control of Development Act, 1960, had been made to the Minister; none had been decided.

H.M. LAND REGISTRY: NOTICE

1. Further to relieve congestion in H.M. Land Registry, Lincoln's Inn Fields, the registers, filed plans and index maps relating to the County of Yorkshire including county boroughs are being removed to Government Buildings, Chalfont Drive, Nottingham, on 4th September, 1961, where as from that date the registration of title work in this area will be done.

2. In order to save time and transport all applications for registration, searches, etc., affecting titles in Yorkshire, should as from 4th September be sent direct to the Nottingham sub-office, which already deals with registrations in the City and County of Leicester, the Counties of Derbyshire, Warwickshire, Staffordshire, Worcestershire and Nottinghamshire.

3. Personal searches of the registers and index maps may be made at Nottingham but where it is desired to inspect these records in London they will be made available at Lincoln's Inn Fields at short notice.

4. The postal address of the Nottingham sub-office is: H.M. Land Registry, Chalfont Drive, Nottingham. (Telephone No. 77711.)

PREVENTIVE DETENTION INQUIRY

The Advisory Council on the Treatment of Offenders is to review the working of the preventive detention system established by the Criminal Justice Act, 1948. The council has appointed a sub-committee, under the chairmanship of the Bishop of Exeter, for this purpose. Anyone wishing to express views on this matter, or to submit evidence, should write to the secretary to the council at the Home Office, Whitehall, London, S.W.1.

REMOVAL OF VEHICLES

The Removal of Vehicles (England and Wales) Regulations, 1961 (S.I. 1961 No. 1462), in operation on 1st September, re-enact with amendments the Removal of Vehicles (England and Wales) Regulations, 1957. The main changes are that, whereas at present a vehicle must be causing an obstruction interfering with the passage of other vehicles before a constable can have it removed, he will in future not be subject to the limitations contained in the present regulations (reg. 5). Certain local authorities are empowered to remove from roads in their areas vehicles which, having broken down or been left, appear to have been abandoned (reg. 6). The police and local authorities are authorised to sell or otherwise dispose of a vehicle which has been removed by them from a road in pursuance of the regulations and appears to them to have been abandoned. This power of disposal is exercisable only after six weeks have elapsed following the taking of the first of certain specified steps designed to give opportunity for enabling the vehicle to be claimed. Provision is made with respect to the application and disposal of the proceeds of sale of a vehicle which has been sold (Pt. III of the regulations).

Honours and Appointments

Mr. MATTHEW ANTHONY LEONARD CRIPPS, D.S.O., T.D., Q.C., has been appointed recorder of the City of Nottingham.

Mr. WYNDHAM MATABELE DAVIES has been appointed chairman of the Court of Quarter Sessions for the County of Glamorgan.

Mr. JOHN CHARLES LLEWELLYN has been appointed recorder of the Borough of King's Lynn.

Dr. R. G. PRITCHARD, solicitor, of Criccieth, North Wales, has been appointed legal manager of the patents division of the British Petroleum Company, in London.

Mr. DAVID POWYS ROWLAND has been appointed deputy chairman of the Court of Quarter Sessions for the County of Glamorgan.

Obituary

Mr. EDGAR STANBURY DOBELL, solicitor, of Plymouth, registrar of Plymouth County Court and district registrar of the High Court of Justice since 1931, registrar at Liskeard and Kingsbridge, and vice-chairman of The Law Society Legal Aid Area Committee since 1950, died recently at the age of 65. He was admitted in 1921.

Mr. HERBERT WYKEHAM LYDALL, retired solicitor, of Bloomsbury, died on 23rd July, aged 90. He was admitted in 1893. Interested in child welfare, he became a governor of the Thomas Coram Foundation in 1917. In 1951 he became president of the association of old Coram boys and girls and vice-president of the foundation. He served on a number of other councils and societies' committees. In 1954 he was awarded the O.B.E. for his public services.

Mr. MAURICE RAWSON STEVENSON, solicitor, of Newcastle-upon-Tyne, died recently at the age of 54. He was admitted in 1933.

Wills and Bequests

Mr. GEORGE BIRCH, solicitor, of Lichfield, left £64,936 net.

Mr. ALFRED ALLAN IRONSIDE, of Ruan Minor, Cornwall, retired solicitor of Leicester, left £46,073 net.

Societies

The annual general meeting of the HAMPSHIRE INCORPORATED LAW SOCIETY was held in Southampton on 27th June. The officers elected were: president, Mr. C. G. A. Paris (Southampton); vice-president, Mr. R. E. Churcher (Gosport); hon. secretary and treasurer, Mr. C. G. A. Paris (Southampton); assistant hon. secretary, Mr. P. T. Ely (Southampton). The following retiring members were re-elected to serve on the committee: Messrs. T. B. Birkett (Portsmouth), S. E. Bridgwater (Southampton) and A. D. E. Daunt (Southampton). Messrs. J. F. Glanville (Portsmouth) and F. C. Rea (Portsmouth) were elected to fill vacancies on the committee.

CASES REPORTED IN VOL. 105

7th July to 11th August, 1961.

For cases reported up to and including 30th June, see Index to Pt. I of vol. 105.

"THE SOLICITORS' JOURNAL"

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Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).

Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.

Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents, Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2, And at Ashby-de-la-Zouch, Burton-on-Trent and Derby.

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

Kidderminster, Droitwich, Worcester.—G. HERBERT BANKS, 28 Worcester Street, Kidderminster. Tels. 2911/2 and 4210. The Estate Office, Droitwich. Tels. 2084/5. 3 Shaw Street, Worcester. Tels. 27785/6.

Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & HEATON, 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I. Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

Hull.—EXLEY & SON, F.A.L.P.A. (incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 3399/2.

Leeds.—SPENCER, SON & GILPIN, Chartered Surveyors, 132 Albion Street, Leeds, 1. Tel. 30171.

Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

Sheffield.—HENRY SPENCER & SONS, Auctioneers, 4 Paradise Street, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street, Tel. 30429.

Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO., (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

★ Classified Advertisements ★

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
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Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to THE ADVERTISEMENT MANAGER, SOLICITORS' JOURNAL, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855

PUBLIC NOTICES

COUNTY BOROUGH OF NORTHAMPTON

ASSISTANT SOLICITOR

Salary within A.P.T. IV (£1,140–£1,310) commencing according to ability and experience. Post offers wide variety of experience in all branches of local government including attendance at committees, general legal work, conveyancing and advocacy.

Local Government experience not essential; Five-day week.

Applications with names of two referees to reach me by 28th August.

C. E. VIVIAN ROWE,
Town Clerk.

Guildhall,
Northampton.

CITY OF HEREFORD

ASSISTANT SOLICITOR

Applications are invited for the post of Assistant Solicitor at a salary within the Grades A.P.T. III/IV (£960–£1,310).

Previous local government experience not essential.

Application forms are obtainable from me, and should be returned to me by the 25th August, 1961.

Housing accommodation will be available to the successful applicant, if required.

Five-day week. Assistance with removal expenses.

J. A. WESTON,
Town Clerk.

Town Hall,
Hereford.
August, 1961.

CITY OF CARDIFF

APPOINTMENT OF ASSISTANT PROSECUTING SOLICITOR

Applications are invited for this post in A.P.T. Grades III-IV, £960-£1,310, commencing salary according to experience. Apply at once to the undersigned, giving details of qualifications, experience and two referees.

S. TAPPER-JONES,
Town Clerk.

City Hall,
Cardiff.

COUNTY BOROUGH OF READING

ASSISTANT SOLICITOR

Applications invited for above post in Grades A.P.T. III/IV (£960–£1,310), commencing salary according to qualifications and experience. Previous local government experience not essential. Applications, giving details of age, education, previous appointments and names of two persons to whom reference may be made to be received by me by 19th August, 1961.

G. F. DARLOW,
Town Clerk.

Town Hall,
Reading.
4th August, 1961.

HAMPSHIRE

Applications are invited from Solicitors, Barristers and Justices' Clerks' Assistants for the superannuable post of DEPUTY CLERK to the Justices for the City of Winchester and the Winchester County and Droxford Petty Sessional Divisions as from the 1st December, 1961. Total estimated population 70,328. Present salary £940–£1,150 (Scale G). Office in Winchester. In approved cases, the committee are prepared to assist in meeting removal and other expenses.

Applications stating age, experience and qualifications, together with the names and addresses of two referees, should be sent to me not later than the 31st August.

G. A. WHEATLEY,
Clerk of the Magistrates' Courts Committee.

The Castle,
Winchester.

SCUNTHORPE CORPORATION

SOLICITOR required by Scunthorpe Corporation. Salary payable within the range £1,140 to £1,480 p.a. according to qualifications and experience. Local Government experience not essential. June finalists considered. 5-day week, housing accommodation available, superannuated position. Apply within seven days to the Town Clerk, 34 High Street, Scunthorpe. (Phone: Scunthorpe 2920).

METROPOLITAN BOROUGH OF BATTERSEA

LEGAL ASSISTANT

Applications are invited for this permanent appointment. Salary within A.P.T. Grade III (£1,005–£1,185 per annum). Duties mainly conveyancing. Previous local government experience not essential. Particulars and application forms from me returnable by 4th September.

C. M. W. S. FREEMAN,
Town Clerk.

Town Hall,
Battersea, S.W.11.

BREDBURY AND ROMILEY URBAN DISTRICT COUNCIL

ASSISTANT SOLICITOR

Applications are invited for this appointment, at a salary within A.P.T. Grade IV (£1,140–£1,310) and generally in accordance with the Scheme of Conditions of Service for local authorities' professional employees. No previous local government experience necessary. June finalists will be considered.

Fuller particulars of the appointment and application form may be obtained from the undersigned. Closing date 18th September, 1961.

D. W. TATTERSALL,
Clerk of the Council.

Council Offices,
George Lane,
Bredbury,
Cheshire.

TRENT RIVER BOARD

APPOINTMENT OF JUNIOR LEGAL ASSISTANT (Unadmitted)

Applications are invited for the above appointment at a salary range within A.P.T. Grades III–IV (£960–£1,310 per annum). Commencing salary according to qualifications and experience. N.J.C. Conditions.

Local Government experience is not essential but applicants must be able to carry through conveyancing and allied transactions with minimum supervision and should have experience in general legal work.

Particulars of duties, conditions and method of application obtainable from the Clerk of the Board, 206 Derby Road, Nottingham. Closing date for applications 31st August, 1961.

COUNTY COUNCIL OF THE WEST RIDING OF YORKSHIRE

APPOINTMENT OF ASSISTANT SOLICITOR

A young Solicitor is required in my office to assist generally, including work in connection with the conduct of Quarter Sessions. Adaptability and keenness are more important than experience since admission, previous Local Government service not being essential.

The salary payable will be between £1,300 and £1,550 per annum. The commencing salary and increments within that range will be on merit. There will also be opportunity for the successful applicant thereafter to proceed by annual increments to £2,345 per annum.

Applications giving full details and with names of two persons to whom reference can be made should be received by me not later than the 31st August.

BERNARD KENYON,
Clerk of the Peace and County Council.

County Hall,
Wakefield.
August, 1961.

COUNTY BOROUGH OF NEWPORT

ASSISTANT SOLICITOR

Salary in range £1,140–£1,310 per annum. Commencing point in accordance with ability and experience. N.J.C. Conditions of Service. Post permanent and superannuable; scope for wide experience. Approved furniture removal expenses paid. Five-day week.

Applications, with names of two referees, to reach the Town Clerk, Civic Centre, Newport, Mon., by first post on 16th August, 1961.

SOUTH-WESTERN GAS BOARD

ASSISTANT SOLICITOR

Applications are invited for the above pensionable appointment, at a salary commencing at £1,365 and rising to £1,525.

Particulars should be sent to the undersigned before 21st August, including the names of two referees.

R. GEOFFREY LAYCOCK,
Solicitor.

9A Quiet Street,
Bath.

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★ Classified Advertisements ★

continued from p. xxiii

PUBLIC NOTICES—*continued*

NEW SCOTLAND YARD

PROSECUTING SOLICITORS on permanent staff of Solicitor's Department. Age 24–40. Starting salary £1,150 at age 24 to £1,703 at age 35 (or over). Scale maximum £1,937. Non-contributory pension. Good prospects of promotion. No previous experience required of criminal prosecutions. Particulars from Secretary, Room 165 (LA), New Scotland Yard, S.W.1.

APPOINTMENTS VACANT

SOLICITOR required to develop and control legal department, as part of multiple company's organisation. Sound knowledge of County Court and Hire Purchase procedure essential, together with practical business ability. Minimum basis of remuneration £1,500 p.a. with considerable scope. Pension Scheme in operation.—Apply Box 7962, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LITIGATION Managing Clerk required by long-established West End firm to cope with expansion. Prospects for admitted applicant for full partnership without payment. Would consider free articles to unadmitted applicant with sufficient ambition with same end in view. Salary in neighbourhood of £1,250 to commence.—Box 7963, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE Managing Clerk (unadmitted) required by West End firm to commence separate Department to handle increased volume of work. Excellent opportunity for ambitious young man with sufficient experience. Knowledge of Company work an advantage. Salary commensurate.—Write Box 7964, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Manager required by well-established West End firm. Suit admitted man with necessary qualifications and experience with view to ultimate full partnership without payment. Unadmitted man should also apply especially young man with aspirations for free articles and admission. Good prospects for keen and ambitious applicant. Commencing salary £1,250 or according to services offered.—Box 7965, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

READING Solicitors require (*a*) Young Assistant Solicitor. Some prospects of future partnership. (*b*) Conveyancing Clerk. (*c*) Litigation Clerk. (*d*) Articled Clerk. No premium. Salary. State experience and salary required.—Box 7970, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

W.R. YORKS.—Assistant Solicitor with some experience in litigation and advocacy required by old-established practice (mainly Conveyancing and Probate) Salary by arrangement. Partnership prospects later.—Box 7966, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTH-EAST London Solicitors in general practice with considerable County Court work have vacancy for Assistant Solicitor willing to undertake advocacy. Good prospects for young man or woman. 5-day week. Salary according to age and experience. Write with details. Box 7967, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Assistant required by Wimbledon solicitors. Admitted or unadmitted. Write stating age, experience and salary required.—Box 7968, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MID-SUSSEX Solicitors with busy Conveyancing and General Practice in rapidly expanding town require services of young Solicitor with all-round experience, ability and initiative. Newly qualified man considered. Ultimate partnership prospects. Salary up to £1,000 according to age and experience.—Box 7969, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

JUNIOR Assistant Solicitor required by Portsmouth Solicitors.—Box 7973, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BRISTOL solicitors require experienced conveyancing managing clerk used to undertaking substantial transactions; salary by arrangement according to experience; pension scheme available.—Box 7942, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CROYDON.—Competent Managing Assistant (admitted/unadmitted) required. Busy office. Good salary. Partnership considered for right man.—Box 7960, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EAST ANGLIA.—Solicitor required for general practice (including advocacy) in County town. Salary up to £1,000 per annum for first-class recently admitted man but more for man with some experience since admission.—Box 7961, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

COMMON Law Clerk (unadmitted) required by large organisation in London.—Details of experience, age and salary to Box 7974, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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SOLICITOR

aged 25-28 years as Legal Assistant to serve under the Assistant Secretary, who is a practising Solicitor. Commencing salary of up to £1,100 p.a. Contributory Pension Fund. Commercial experience useful but not essential in a candidate otherwise acceptable.

Applications to be sent to the Staff Manager, BICC Limited, 21 Bloomsbury Street, London, W.C.1.

No reference will be made to present employers save after interview and with the applicant's consent.

BROMLEY (Kent) Solicitors require conveyancing or Conveyancing/Probate Managing Clerk. Old Established firm. Contributory Pension Scheme. Holiday appointments honoured.—Box 7975, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BROMLEY (Kent) Solicitors require young Solicitor with interest in Advocacy. Old Established firm.—Box 7976, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EAST BERKS.—Assistant solicitor required to deal mainly with litigation in a busy and expanding practice; it is suggested that this post will be a good opportunity for a recently qualified solicitor, who will have an excellent opportunity for acquiring general experience. We think that a fair and reasonable salary is offered for this post.—Box 7930, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTHAMPTON WATER AND NEW FOREST.—Expanding branch office of old-established firm require :—

(1) Assistant solicitor to undertake mainly conveyancing matters although, if desired, experience in other branches available, and

(2) Conveyancing clerk.

Housing assistance, if required. Pension and life assurance scheme. Alternate Saturdays.—Moore & Blatch, Marsh House, Hythe, Southampton.

LEADING INSURANCE GROUP has a vacancy in London for a young man with experience in a Solicitor's Office of Probate, Conveyancing and Trust work to deal with contingencies arising out of the titles to land, trusts, etc., and Administration and Court Bond work. Age up to say 30. Good prospects with attractive staff conditions including non-contributory Pension Scheme and other valuable Staff Schemes.—Write giving experience and personal details to Box 7946, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SALARIED Partnership available within a reasonable time, to a really able young Solicitor aged 25 to 32 years, in Wiltshire town. Excellent opportunities for man of ability and personality. Assistance given with Housing and School expenses.—Box 7945, Solicitors' Journal, Oyez House, Breams Building, Fetter Lane, E.C.4.

continued on p. xxv

LEADING CITY MERCHANT BANK

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MANAGER

for their

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Classified Advertisements

continued from p. xxiv

APPOINTMENTS VACANT—*continued*

SOLICITOR

required by large industrial company with head office in Central London, to be Assistant Secretary to the company and Head of the Legal Department. Candidates should be between 35-40 years of age and have had some commercial experience.

Commencing salary not less than £2,500 p.a.

Please write to Box 7959, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PERSONABLE and energetic Solicitor required to take control of an old-established and active office in a pleasant town in West Hertfordshire about 30 miles from London. Applicant should be at least 28 years of age and would commence at a salary of £1,500 per annum or according to experience. Good prospects of partnership. —Box 7943, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST SUSSEX.—Assistant Solicitor required to take charge of Litigation Department. Possibility of partnership later. Salary according to experience but not less than £1,250.—Box 7897, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR required, Walham Green, S.W.6. Mainly Conveyancing and Probate. Partnership prospects. Write details experience and salary required.—Box 7947, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required by Bedford Row firm with experience in Conveyancing. Knowledge of commercial law an advantage. Prospects of partnership. Salary £1,250 and upwards, according to experience, but newly admitted solicitor would be considered.—Box 7953, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SENIOR CONVEYANCER (admitted or unadmitted) capable of working with little or no supervision and preferably experienced in estate development required by old established firm in South of England. Substantial and progressive salary, excellent working conditions; pension and life assurance schemes, existing holiday arrangements honoured. Assistance with housing and removal expenses if necessary.—Particulars please to Box 7834, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOUTHEND-ON-SEA.—Solicitors require Assistant Solicitor for expanding practice, mainly conveyancing and probate, with opportunities for litigation and advocacy. Partnership prospects. Commencing salary not less than £900 or according to length of experience.—Box 7935, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR assistant required by Sussex coast solicitors; some advocacy; £1,500 per annum for right man.—Box 7939 Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

APPOINTMENTS WANTED

SOLICITOR, admitted 1959, public school, Cambridge Graduate, experienced conveyancer, willing to undertake advocacy, requires post with solicitors in Manchester or North-West where hard work would receive appropriate award.—Please write to Box 7971, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR, now in charge of busy branch office, experienced in litigation, probate and conveyancing, would like to do commercial work in London; under £1,250 p.a. not considered; £1,500 p.a. should secure.—Box 7972, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE and Trust Managing Clerk, working knowledge Conveyancing and other branches, seeks change; over 35 years' experience; salary £1,000 or by arrangement; preference South-West area.—Box 7977, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR, seeks appointment with firm having busy advocacy practice in Magistrates' Courts, London or Southern Suburbs. Also possesses wide experience in all branches. —Box 7955, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PRACTICES AND PARTNERSHIPS

FOR SALE.—Substantial and growing practice in South East London.—Apply Box 7950, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PREMISES, OFFICES, ETC.

OFFICE wanted in City or Kings Cross areas; main thoroughfare, 1st or 2nd floor; 200 to 600 sq. ft.; would share.—Strand Business Agencies, 322 High Holborn, W.C.1.

ELDERLY Solicitor pending early retirement offers protected sub-tenancy of 3 rooms furnished (or unfurnished) at low rent, close to Law Courts Strand. Opportunity to take over small London practice (estd. 30 years).—Box 7978, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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INVESTMENTS REQUIRED

ACTIVE enquiries in hand for good-class shop investments, blocks of flats, freehold ground rents and weekly investments of all types.—Details in confidence to Cowdrey, Phipps & Hollis, F.A.L.P.A., Investment Department, 140 Park Lane, Marble Arch, W.1. MAYfair 1329 (2 lines).

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TRANSLATIONS.—V. Clayton, Market Rasen.

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WE offer a specialised service re mortgage advances on Shop Properties, Factories and Houses over £10,000. Sums also available for Building and Industrial development.—MILLER SMITH AND PARTNERS, 139 Park Lane, W.1. Tel.: MAYfair 7081–4.

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★ Classified Advertisements ★

continued from p. xxv

FINANCIAL—*continued*

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(CHAncery 6855.)

NAMEPLATES

NAMEPLATES in bronze, brass or plastics; Rubber Stamps; Sketches and estimates free.—Austin Luce & Company, 19 College Road, Harrow, Middlesex. Tel.: HATch End 6680.

NAMEPLATES in bronze, brass and plastic; quotations and full size layout sent free; signwriting a speciality.—Please send wording to Abbey Craftsmen, Ltd., Abbey Works, 109A Old Street, London, E.C.1. Tel.: CLE 3845.

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